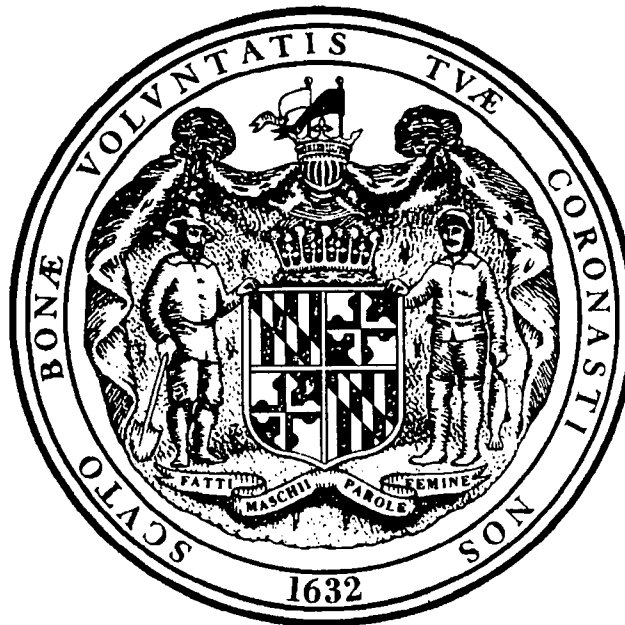


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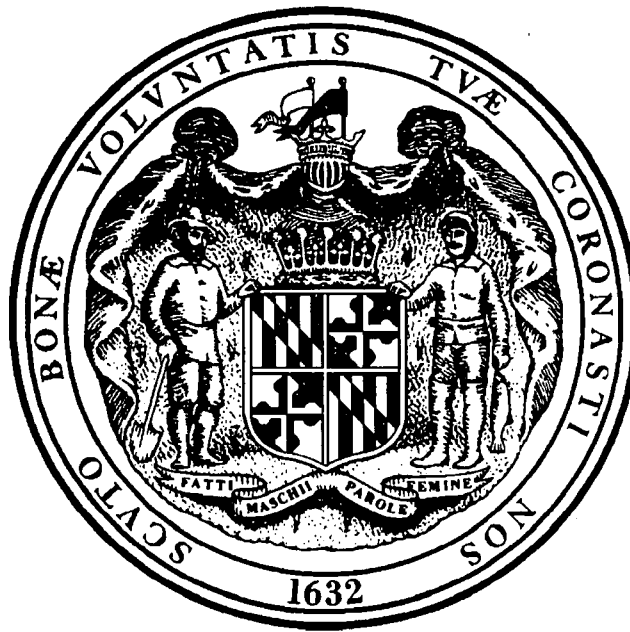
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***REPORT  
OF THE  
TASK FORCE  
TO  
REVIEW THE STATE'S ELECTION LAW***



**DECEMBER 31, 1995**

***REPORT  
OF THE  
TASK FORCE  
TO  
REVIEW THE STATE'S ELECTION LAW***



**DECEMBER 31, 1995**

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# **TASK FORCE TO REVIEW THE STATE'S ELECTION LAW**

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December 21, 1995

The Honorable Parris N. Glendening  
Governor

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate

The Honorable Casper R. Taylor, Jr.  
Speaker of the House

Re: Task Force to Review the State's Election Law

Dear Gentlemen:

The members of the Task Force to Review the State's Election Law and myself, the Chairman, are pleased to submit this Report of our findings and recommendations for changes in statutes, regulations, organization and procedures of the State Administrative Board of Election Laws (SABEL) and the various Boards of Election supervisors in the various counties and Baltimore City.

We commend you for recognizing the compelling public need for better assuring the accurate and consistent administration of elections. Appointing this Task Force is a positive first step. But now you, the Governor and Presiding Officers of our General Assembly, must continue the job of bringing Maryland's election system up to date by giving this highest priority. A continued commitment by the State to take responsibility for the following is required:

- iii -

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- The Election Code - Article 33 of the Annotated Code - must be subjected to a comprehensive, substantive revision by a Commission which is suitably funded and staffed.
- SABEL should be empowered to direct, regulate, and effectively administer registration of voters and conduct of elections on a statewide basis.
- SABEL should be more of a management and technical resource for the local boards.
- The State Administrator should continue to be selected by the Governor, but for a four-year term, coterminous with the Governor.
- Computerized, centralized statewide voter registration systems should be a priority.
- Computer-based voting systems should replace mechanical lever machines, preferably not later than 1998.
- Emergency legislation should be enacted in the 1996 Legislative Session to delete the statutory requirement for an affidavit on a voter's application for an absentee ballot.
- Uniform statewide procedures for confirming voter identity at the polls should be assured.
- "Declines" and minor party registrants should be allowed to serve as election judges.
- Recounts of all elections should be afforded so that a candidate is not forced to file suit to verify the result.
- Persistent problems relating to election judges such as recruitment, training, and performance must be addressed.
- Election judge compensation throughout the State should be uniform.
- The reduction of number of polling places in Baltimore City must continue.

- The legal requirement that the Attorney General represent the Baltimore City Election Board should be repealed.

While the Report of this Task Force contains other thoughtful, particularized recommendations for improvement of the electoral process which should be reflected in a comprehensive revision of the Election Code, the central recommendation is that the Governor and the General Assembly recognize a compelling State responsibility for the organization, administration, and financing of Maryland's election systems.

There is obviously monetary cost associated with improving the way in which voters are registered and elections are conducted. There are also cost savings that will flow automatically from better technology and management. Regrettably, the time has now come for the State to spend money to effect long overdue modernization, professionalization, and reorganization.

The Task Force emphatically invites leadership from the State in acknowledging, as a matter of public policy, the current need to commit the resources necessary to implement these recommendations. The legislative members of this Task Force have already demonstrated their own commitment to this important mission by generously giving of their time to attend every public meeting and offering experienced, constructive counsel. Your equivalent support will assure attainment of a more modern, better organized and well administered elections system for the entire State of Maryland.

Very truly yours,



George Beall, Chairman  
Task Force to Review the State's  
Election Law

GB/eee

Enclosures

cc: The Honorable John A. Cade  
The Honorable Robert H. Kittleman



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## **ORIGIN OF THE TASK FORCE AND THE SCOPE OF ITS MISSION**

The 1994 Maryland gubernatorial election was one of the closest in the State's history. A mere 5,993 votes separated the winner and the loser, 0.4% of the total votes cast. While uncommon, close elections are not unprecedented, occurring at all levels of government - local, state, and federal. This has been true since the first elections were held in this country and will continue to occur as long as elections are conducted.

There are a number of past Maryland elections that have been decided on the basis of a handful of votes:

165 votes separated the two candidates in the 1919 gubernatorial election.

Kweisi Mfume won his 1979 Baltimore City Council primary race by three votes.

38 votes meant Congressional victory for Parren Mitchell in the 1970 primary.

In 1994, four members of the House of Delegates were elected by fewer than 100 votes. In the same year Caroline County's Register of Wills race was decided by one vote.

In any election it is often difficult for supporters of an unsuccessful candidate to believe their candidate did not win, but in a particularly close election the consternation is even greater. This sense of frustration on the losing side can lead to questions about the conduct of the election and a concern about whether the results are accurate. In a free society, where fair and just elections are the cornerstone of democracy, safeguards are built into the election process to allow for these concerns to be addressed.

Those safeguards were activated after the 1994 Maryland gubernatorial elections. The election was put under a microscope by the Circuit Court for Anne Arundel County, the Office of the Attorney General of Maryland, the Office of the State Prosecutor, and the Federal Bureau of Investigation. In addition, the press, election volunteers, the political parties, and independent organizations did their own investigations and looked over the shoulders of all who were involved in the official review processes.

Although the allegations of fraud and unfairness arising out of the 1994 gubernatorial election have been dealt with by these subsequent investigations (which confirmed the result of that election, as certified) it is evident that problems with the system remain. Moreover, if there is a perception among some members of the public that the electoral process is flawed, even if the perception is exaggerated or incorrect, it is essential that the process be examined closely and improved if necessary.



During the post-election controversy, the Governor-elect expressed his intention to appoint a commission to study the Maryland election system, a proposal that became law when the Maryland General Assembly created the Task Force to Review the State's Election Law (Chapter 514 of 1995). This bipartisan body was appointed by the Governor, the presiding officers of the Senate of Maryland and House of Delegates, and the minority leaders of the Senate and House. Its mission was defined by the Legislature as follows:

"The Task Force shall:

(1) Review the rules, regulations, and procedures of the State Administrative Board of Election Laws and the various boards of election supervisors, in particular the manner in which those procedures were carried out during the 1994 General Election;

(2) Review the law relating to the conduct of elections, including a review of the procedures related to voting by absentee ballot and whether there should be uniform statewide procedures for the conduct of elections and for voting by absentee ballot;

(3) Consult outside authorities regarding the conduct of elections;

(4) Receive other testimony that the task force considers appropriate; and

(5) Develop any recommendations that it considers appropriate for changes in statutes, regulations, organization, or procedures."

The Task Force was fully appointed on July 26, with a statutory requirement to report to the General Assembly and the Governor by December 31, 1995. Members of the Task Force were volunteers, serving without compensation. No funds were provided to secure expertise, support, or information. The only staff assistance was provided by the Department of Legislative Reference. Advice was offered by the State Administrative Board of Election Laws ("SABEL"), the Maryland Association of Election Officials, and the election officials of the counties and the City of Baltimore.

## **SUMMARY OF DELIBERATIONS AND ACTIVITIES**

The Task Force held seven public meetings, all in Annapolis, and conducted one site visit during the limited time available. The following is a summary of those proceedings:

August 14, 1995.

In the organizational meeting of the Task Force testimony was received from:

- Gene Raynor, State Administrator of Election Laws (See Appendix B.1)
- Robert J. Antonetti, Sr., President of the Maryland Association of Election Officials (See Appendix D.2)

September 12, 1995.

The Task Force conducted a site visit to observe the Baltimore City Municipal Primary Election. After receiving a detailed briefing from representatives of the Baltimore City Election Board and SABEL, the Task Force visited two polling places in the City to observe polling place operations. The Chairman, several members, and staff returned at the closing of the polls to observe operations in a third polling place and the vote tally process at the Board's headquarters.

September 28, 1995.

Testimony was received from:

- Ralph Tyler and Jack Schwartz of the Office of the Attorney General (See Appendix C.3)
- Joyce Terhes and Christopher West of the Maryland Republican Party (See Appendix B.2)
- Peter Krauser, Richard Parsons, and Bruce Marcus of the Maryland Democratic Party (See Appendix B.3)

October 11, 1995.

Testimony received from:

- Nancy Orr of the League of Women Voters (See Appendix B.4)
- Stephen Montanarelli, Thomas Krehely, Jr., and Isabel Cumming of the Office of the State Prosecutor (See Appendix C.2)

In addition, legislation referred to the Task Force by the General Assembly was reviewed and discussed.

October 26, 1995.

Testimony was received from:

- Richard Smolka, Editor of the newsletter Election Administration Reports, who is a national expert on election procedures and Professor Emeritus of Government, American University, Washington, D.C.
- Drake Ferguson, Dee Hodges, and Ellen Anderson of the VOTER organization (See Appendixes B.5, B.6, and B.7)
- Daniel Earnshaw and Margarett Crowder, former members of SABEL (See Appendix B.8)
- Noreen Hamner, member of the VOTER organization who testified on aspects of the 1995 Baltimore City Municipal Primary Election

Ellen Sauerbrey, 1994 Republican nominee for Governor, provided written testimony for this meeting.

November 8, 1995.

Testimony was received from:

- Deborah Povich of Common Cause (See Appendix B.9)
- Dean Ahmed and Stuart Semms of the Coalition for a Democratic Maryland (See Appendixes B.10 and B-11)

Additionally at this meeting Task Force member Marie Garber presented a summary of the various recommendations made thus far.

November 16, 1995.

Work Session

November 30, 1995.

Work Session

### Additional Input

The Task Force received written communications from various groups and individuals during its tenure. (See Appendix C) Additionally, each public meeting was attended by concerned members of the public, representatives of SABEL, and representatives of nearly all of the local election boards.

## **FINDINGS AND DETERMINATIONS**

### Background

The Task Force to Review the State's Election Law was established to review Maryland's election process in the wake of a contentious gubernatorial election. The Task Force was not intended to be an investigatory body, however, and made no attempt to act as one. Rather, the Task Force saw its charge to review the functioning of the State's election system and the performance of State and local election officials, as well as the law within which they operate, as an opportunity to point the way to more effective public service delivery in an important area of government.

Many of the individuals who testified before the Task Force identified the State's Election Code (Article 33 of the Annotated Code of Maryland) as the focal point of many of the problems with the electoral process. The Task Force agrees that the effective administration of elections is hindered by an Election Code that constrains attempts to improve the system from within.

The constraints inherent in the law are rooted in the history of the statute's development, as well as in the State's political tradition. Until 1969, election administration was entirely local. County-level election boards conducted registration and elections within the framework of a State statute and local governments paid the expenses.

When the State Administrative Board of Election Laws ("SABEL") was created in 1969, the local nature of election administration remained largely unchanged. By design, SABEL was given narrow and imprecise authority, and almost all funding of elections still comes from the local jurisdictions.

This Report identifies several statutory changes that would render specific improvements in the election process. However, more far-reaching changes in the law appear to be necessary, and the limited time available to this Task Force precluded their being addressed comprehensively.

Additionally, there are significant aspects of the election process that fall outside the mission of the Task Force. These include campaign financing, ballot access for independents and

third parties, and the regulation of municipal elections other than in Baltimore City. The lack of recommendations in this Report for changes in these areas should not be interpreted as an endorsement of the current state of the law. Likewise, the decision of the Task Force not to address issues raised in some of the bills that were referred by the Senate Economic and Environmental Affairs Committee and the House Commerce and Government Matters Committee does not reflect on the merits of those legislative proposals.

## **Problems and Weaknesses Identified by the Task Force**

### **1. Election Code**

Article 33 of the Annotated Code of Maryland is generally acknowledged by those who implement its provisions to be obsolete, poorly organized, and plagued by gaps that have been filled on a piecemeal basis by letters of advice and opinions from the Attorney General's Office. The electoral process has moved forward in recent decades, leaving the statutory law far behind. A number of witnesses who appeared before the Task Force, including the State Prosecutor, representatives of the Attorney General, and representatives of the local election boards, attested to its inadequacy. At the request of the Task Force, the Office of the Attorney General prepared a list of ambiguities, omissions, and contradictions in Article 33. (See Appendix C.13)

### **2. Local Boards**

While many of the local election boards are models of efficient and effective election administration, this is not true of all boards. Observers and investigators of the 1994 elections found and cited to the Task Force instances of misadministration, usually resulting from human error in the local board offices or in the polling places.

One often-heard remedy for such uneven performance is a call for "uniformity" of process. Indeed, in this Report the Task Force often recommends "uniformity" or "consistency". Such a recommendation, however, should be tempered by collateral considerations. First, uniformity should not be imposed so rigidly as to stifle creativity and preclude innovation. Second, standards established should not be a search for the least common denominator, but rather should assure that compliance with the standards will result in high performance from all. Finally, there are striking differences between and among Maryland's 24 local jurisdictions, predominant among which is size, and these cannot be ignored when devising standards that must be applicable to and feasible for all.

### **3. Authority of SABEL**

SABEL, as currently structured and functioning, is not providing the direction and support that the local boards need to assure compliance with State and federal election law and to maintain high standards of administration throughout the State.

### **4. Utilization of Technology**

SABEL and many of the local boards have not kept up with technological advances in elections and election administration.

### **5. Absentee Voting**

The process of absentee voting, which is inherently complex, is not clearly defined or consistently implemented throughout the State.

### **6. Polling Place Procedures**

Polling place procedures are inconsistent throughout the State and, in some instances, do not comply with State law.

### **7. Election Judges**

The recruitment, training, and performance of election judges is a problem in some local jurisdictions.

### **8. Post-Election Process**

The post-election processes in polling places and in the local election offices (poll closing, vote count, tabulation, canvass, reporting) are not always well-defined or documented. In such instances, it is hard to confirm the integrity of the election and the accuracy of the result.

### **9. Procedures for Close Elections**

While Maryland has a clear statute for contesting an election through judicial challenge (Art. 33, Subtitle 19), the provision for obtaining a recount is too restrictive (Art. 33, Subtitle 13). Moreover, the State does not have an established administrative plan for responding to questions and requests from those disputing an election result.

## General Recommendations

### 1. Revision of the Election Code

Among all recommendations received by the Task Force none had a more emphatic sense of urgency than the call for a comprehensive revision of Article 33 of the Annotated Code.

While a nonsubstantive revision (such as that carried out pursuant to the Code Revision project of the Department of Legislative Reference) would make the law more understandable, it would not remove archaic provisions or resolve the omissions and contradictions that exist in the law. More importantly, however, there is a need to make changes in the administrative structure that can only come from a drafting entity charged with making substantive revisions in the law.

A former legislator, now counsel to a local election board, expressed to the Task Force the importance and urgency of the need for substantive revision of the election law:

*"The Code Revision process is a stylistic one, not a substantive one. Although Code Revision can restructure the law and eliminate obsolete material, and sometimes can eliminate ambiguities and clarify, it is neither designed nor permitted to make substantive changes in the law. Moreover, based upon my personal experience with Code Revision, the process itself is made more difficult -- in some instances virtually impossible -- if the source law (in this case Article 33) is substantively flawed. Under these circumstances, the full benefits of the Code Revision process may not be realized. [Emphasis added.]*

Accordingly the major substantive changes required in Article 33 should not be deferred in reliance upon Code Revision. On the contrary, I recommend that Article 33 -- like the Procurement Law a decade ago [and the State Pensions Law more recently] -- be the subject of a comprehensive substantive revision before it undergoes the Code Revision process." (See Appendix C.7)

The administrative structure set out under Article 33 is inadequate to the needs of modern election administration. At a minimum, the law should clearly specify a broader leadership role for SABEL and a mandate to ensure accountability from the local boards.

The current law is based in many respects on the technology of the previous century. As we approach the next century, the law should mesh with the realities of current and future technologies.

There should be a clarification of the respective roles of election boards and professional administrators at both the local and State levels. The current law barely acknowledges the administrators, who in reality are the source of leadership in the process. The State Prosecutor

pointed out in his testimony that the State and local administrators are not considered "public officials" under the law and therefore cannot be held legally accountable for compliance with the law's requirements. Instead they are mere employees of the local board, which is vested by statute with the duty of administering elections.

The State Administrator currently serves for a term of 6 years. A majority of Task Force members believes that a 4-year term, corresponding to that of the Governor, would be more appropriate because the State Administrator serves in a policy position and should be committed to the same goals, in election administration, as the Governor. Other members of the Task Force, however, believe that the 6-year term helps to insulate the State Administrator from partisan politics.

The substantial body of Attorney General's Opinions and letters of advice issued to interpret incomprehensible provisions of the Election Code serve as a checklist of provisions that are in need of substantive revision.

Because the Task Force did not have the time needed to accomplish this level of significant rewriting of the law we recommend the formation of a Commission to Revise the Election Code. (See Appendix E.2) The Commission should begin work in the Spring of 1996, with the goal of concluding its work in time for introduction of legislation in the 1998 Session of the General Assembly. Separate funding should be provided for this effort to enable a level of staffing and outside assistance commensurate with the importance and dimension of the task.

## **2. Enhancement of the Effectiveness of SABEL**

Even without the statutory changes that would move SABEL to an appropriate and necessary leadership position there are administrative steps that SABEL can take to move forward.

Under its current legal mandate SABEL can make greater use of its rulemaking powers to ensure compliance with the law and generally to provide an efficient, fair, and accurate election process. SABEL should focus on the following:

- Formulating and implementing new programs, including innovative pilot programs in individual jurisdictions.
- Directing the training of election officials at all levels.
- Monitoring all aspects of election administration.
- Providing support to local boards.

The Attorney General of Maryland, reporting on the 1994 Election, stresses the need for stronger leadership from SABEL:



".... Without any legislative action at all, SABEL already has at its disposal authority to promulgate regulations, which it has not utilized fully. Using that regulatory authority and its basic supervisory power, SABEL should undertake measures to promote greater uniformity.

It is unfortunate that the Sauerbrey case focused almost exclusively on only three major local jurisdictions. *All of the State's jurisdictions should benefit from examination so that any problems may be corrected throughout the State and also so that every local board may benefit from solutions already devised by particular local boards.*" [Emphasis added.]

The report goes on to recommend that:

"SABEL should conduct a comprehensive statewide survey of the local election boards' practices and procedures, including the following areas: (1) the recruitment and training of election judges; (2) procedures for distributing and counting absentee ballots; (3) voting systems; and (4) canvass procedures. The goals of the survey should include: (1) identifying inconsistent practices and procedures; (2) identifying areas in which boards experience recurring problems; (3) discovering creative solutions local boards have already devised to particular problem; and (4) identifying areas in which regulations are needed." ("Attorney General's Report on the 1994 Election", February, 1995)

A discussion of the importance of strong State leadership of the election process cannot be limited to modification of structure. Good structure alone does not make good government; it only makes it possible for good people to govern well. Staffing of SABEL should provide the management skills and appropriate technical expertise to guide a diverse and decentralized system during the growth and change that is inevitable in the 21st Century. It would be impossible, and redundant, to provide this requisite range of talent in each of the 24 local boards, but the need for such expertise is nonetheless vital. SABEL should be such a resource.

In carrying out its responsibilities SABEL should emphasize consultation and interchange with the local boards. There is considerable administrative expertise and creativity at the local level; SABEL should avail itself of that resource and ensure that the needs and concerns of the local boards are considered.

### **3. Greater Use of Technology**

Technological advances have expanded the capabilities of election administrators and enabled them to provide services that they could not previously have provided. However, the use of innovative technology has been sporadic in the State, being used more extensively by some of the large suburban counties.

The Task Force recommends that Maryland utilize state-of-the-art technology in election administration to the fullest possible extent. Leadership in reaching that goal should come from the State, and the aim should be to provide a level of public service in all jurisdictions that is as high or higher than what is provided now.

The Task Force's consideration of potential for progress through technology focused primarily on applications in three areas of election administration.

A centralized statewide voter registration system is generally recognized as a starting point for technological change and was agreed to as a goal by the Task Force, while recognizing that the start-up cost would be substantial. Such a system would serve a number of purposes:

- Voter registration eligibility standards would be consistently and equitably applied in all jurisdictions.
- Administration of the new National Voter Registration Act (NVRA, known commonly as "Motor Voter") could be facilitated, particularly if it is well integrated with the computerized systems of the various other State agencies required to comply with the Act or otherwise involved in the voter registration process. Implementing NVRA has been a vexing problem for election officials throughout the country.
- With a statewide database, records of all jurisdictions could be maintained in a timely, consistent manner. Duplicate registrations in different counties could be identified and eliminated, and a voter who moves across jurisdictional lines but still within the State could be transferred within the registry, rather than deleted and forced to re-register in the county of his new residence. Death notices which come from the Department of Health and Mental Hygiene could be matched against the rolls and cancellations effected where the deceased person's name is found to be on the registry. Compliance with the requirements to cancel the registration of persons convicted of infamous crimes could be more efficiently achieved than it now is.

There is an abundance of information resources available to SABEL in this area. All the local boards have had some measure of computerized voter registration; their input regarding upgrading should be elicited. Some counties are successfully operating comprehensive, sophisticated systems, each developed separately; their experiences should be studied, in order not only to draw the best from each but also to avoid the mistakes they made. Many other states have statewide systems, some of them of very high quality. The National Clearinghouse on Election Administration of the Federal Election Commission is currently conducting a study, on contract, that will offer models for design of a statewide voter registration system, drawing from the experiences of the states that have such systems in operation. The report, to be published soon, will include strategies and techniques for integration of the voter registration database with those of other state agencies so as to effectively comply with NVRA.

It would be imprudent for Maryland to go forward with creation of its system until these resources have been explored.

Computer-based voting systems were discussed by the Task Force at some length, and cited as a way to solve some of the problems reported with the mechanical lever voting machines in the 1994 election. Those who raised questions to the Task Force about the machines focused primarily on custody and security of the keys, and criticized the use of "key boxes" which had been installed to provide a new level of security but which are not sanctioned in current law.

Problems with the old machines are numerous. They are expensive to haul and store. For many pollworkers they are daunting to set up on election morning. Because the machine itself is also the voting booth, waiting lines to vote often are long in a heavy-turnout election. Recording results after the polls close is done manually by pollworkers who are not at peak alertness after a 14-hour work day, and errors are frequent if not inevitable. Aggregating the vote to get subtotals and totals is again a manual input, error-prone process, whether done by adding machine or computer data entry. The machines' data-storing mechanism, which functions like an automobile odometer, does not provide a record of each voted ballot, but only the cumulative total cast on each machine for each candidate; accordingly, it is not possible to reconstruct and recount a voting machine election, only to retabulate the totals from all the machines. It is late-19th Century technology. Nonetheless, 30% of American voters cast their votes on mechanical lever machines; they function well if they are well managed.

Computer-based systems obviate these problems, and -- properly managed -- provide a fast, accurate count that can be fully audited if need be. It should also be noted, however, that introduction of the electronic systems will not be without problems -- system security, ballot accountability, logistical challenges, technical support needs -- the solution of which will require skilled management.

The lever machines are now used in the polling places in Baltimore City and seven counties -- Allegany, Calvert, Caroline, Dorchester, Prince George's, Queen Anne's, and Somerset. Conversion would be very costly for those jurisdictions. (In the few states that specify the voting system to be used, funding and operational costs are borne by the state.)

A majority of the Task Force members believes that the mechanical lever machines should be phased out and replaced by computer-based systems not later than 1998. Meanwhile, for those jurisdictions that retain the mechanical lever machines, SABEL should adopt regulations governing their testing, maintenance, and use, just as the current regulations cover computer-based systems. Systems in use before 1978 are "grandfathered" in the statute and cannot be decertified by SABEL, but it is essential that they be appropriately regulated.

Computerization of the campaign finance records has been an apparent need for some time. The reports are voluminous; they contain an enormous amount of data concerning the sources and uses of money in campaigns. Submitted on paper, they fill many dozens of file cabinets in the

SABEL and local election board offices. The purpose of prompt and full disclosure of campaign financing is poorly served by this method.

Increasingly campaigns are using personal computers to keep their records of money received and disbursed, issue receipts, and produce campaign fund reports. If the report were submitted on electronic medium (probably diskette) in a prescribed uniform format, it could be utilized readily and immediately by SABEL (skipping the process of manual data entry which so far has been the obstacle to computerization) and the disks could be copied and made available to the public for review and analysis.

Legislation to permit submission of these reports on electronic medium has been considered by the General Assembly in recent years, and the bill introduced in the 1995 Session is supported by the Task Force.

The experience of other states will be useful to SABEL in implementing such legislation, should it be enacted. New Mexico's Bureau of Elections provides the software to candidates for producing reports. It contains encrypted identification notations to ensure that no one other than the candidate who requested the software is submitting the report. Like Maryland, New Mexico requires that campaign finance reports be signed by those responsible for the filing; to comply with this requirement, the software is written to print out a summary page which is signed and submitted with the disk. (In New Mexico, as in the proposed Maryland legislation, electronic filing by candidates is not mandatory.)

In summary, there is substantial potential for progress in election administration through technology.

Any introduction of automation must be preceded by careful planning, starting with definition of the purposes to be served. Design of every module of a system is particularly important, because faulty design will hamper expansion and modifications in the future. Moreover, a plan adopted for Maryland election administration should foresee and provide for the development and implementation of a computer-based total election management system which could be installed module by module. Ultimately, virtually all of election management could be facilitated, including but not limited to:

- Voter Registration;
- Vote-tallying, canvassing, and reporting returns;
- Candidacy management;
- Campaign finance;
- Ballot definition and design;
- Geographical data and boundary definition (redistricting);
- Polling place management, including locating, staffing, and supply;
- Absentee voting;
- Statistical analysis and reporting;

- A wide variety of management functions, including budget, purchasing, personnel, etc.; and
- Archiving.

#### **4. Absentee Voting Procedures**

Starting the day after the 1994 General Election, when the closeness of the gubernatorial race was clear, a great deal of public attention focused on the management of absentee ballots. This scrutiny revealed that there is a striking lack of consistency throughout the State in how this increasingly popular form of voting is administered. The statute that created this Task Force points to absentee voting procedures as an area in need of particular attention.

The current absentee ballot law was written at a time when relatively few absentee ballots were voted in each jurisdiction. In many counties, the numbers of absentee ballots have grown substantially in recent years.

To a great extent, this is an area in which SABEL can step forward and assume the leadership role recommended in Item 2 of this section. Whether by regulation or administrative directive, SABEL should establish standards for administration of absentee voting to be used by all local boards. The procedures should be uniform to the maximum practicable extent, taking into account the use of several different voting systems as well as the wide range in volume among the jurisdictions. (In one large county the absentee voters are five times the combined polling place and absentee vote cast in the smallest county.) The standards should address application procedures, documentation, and ballot security and accountability.

Additionally, the procedures for the review of absentee ballots for legal sufficiency and the counting of the ballots should be consistent statewide. SABEL should promulgate regulations to this effect. These regulations should delineate the procedures for challenging absentee ballots and establish a uniform process with regard to the time, place, and operation of the procedure. It is reasonable for candidates and challengers to want to watch this process, and the procedures should spell out the process for accommodating those who wish to watch and specify how the ballots can be challenged.

Regulations for the review of absentee ballots for legal sufficiency should provide for challenges only on the basis of an enumerated list of reasons. In compiling this list, SABEL should determine the basis for any potential challenges (i.e. no evidence of date of receipt on the ballot envelope; no signature on the affidavit; or other reason of compelling State interest). Everything not on the list would be excluded from being challenged. Having a list that enumerates the only proper grounds for challenging the legal sufficiency of an absentee ballot will provide for uniform application of this process statewide. SABEL should establish a local board procedure for final resolution (i.e., determining whether an absentee ballot is or is not to be counted) on all absentee ballots that are properly challenged. In keeping with the current requirements of law

(Article 33, § 27-10) the local board will be the final arbiter, with a unanimous vote of the board required to invalidate a ballot.

Regulations for the process of conducting the absentee ballot count should address the time and place of such counts, notice to the public, and the procedures for conducting this process. They should designate who is in charge of the process and establish a framework for the candidates and challengers to view the process closely enough to be able to make challenges but to not interfere with the efficient operation of the count.

The counsel to the Montgomery County board addressed a suggestion to the Task Force that grows out of the experience in that county immediately after the 1994 election regarding pre-count processing of absentee ballots. He points out that the statute speaks of a starting time for the canvass, but is not clear on whether any or all of the steps in pre-count processing are included in the canvass. Is the opening of the envelope(s) part of the canvass? He urges that regulations to clarify the absentee balloting process define the terms "count" and "canvass". Moreover, he expands further on one other point:

"For some if not all counties that count absentee ballots by computer, there is a significant step between the opening of the ballot envelopes and the counting of the ballots. In those counties, once the ballot envelopes are opened, and before the ballots are counted by computer, they must be reviewed manually for acceptability -- i.e., to determine whether they have been damaged, mutilated, disfigured, or otherwise have been made defective or unsuitable for counting by the computer. For large counties (Montgomery County expects 27,500 absentee ballots in the 1996 general election), this "acceptability review" is a very time-consuming process. Thus, although the use of computers expedites the actual count, there is a significant delay before the opened ballots are ready for that final step.

Accordingly, a process that (with notice to the public and interested parties) allows an opening and review of the ballots for acceptability prior to their actual count will expedite the counting process." (See Appendix C.7)

Where statutory changes are needed SABEL should not wait for the proposed Commission to Revise the Election Code to report at the end of 1997. Instead, Departmental legislation should be prepared, for 1996 if possible, but no later than the 1997 Legislative Session.

One necessary statutory change, relating to affidavits on absentee ballot applications, is particularly vital and is included in the specific recommendations of the Task Force in the next section of this Report.

## **5. Polling Place Procedures**

The Task Force received testimony at its hearings suggesting that some procedures in polling places endanger the integrity of the election process or, at least, create a public suspicion of such a danger. In its overview of polling place procedures the Task Force concluded that evidence of wrongdoing during the 1994 General Election was virtually nonexistent, but that steps should be taken to reassure the public that the process is worthy of trust.

Identification of voters who present themselves at the judges' table is a recurrent issue. The Task Force was informed that in many instances a voter will state his or her name and the judge will pull the voter authority card and ask the voter to sign it without any further attempt at identification. Often the judge will look at the voter authority card, read off the address printed on it and ask the individual if that is the correct address. Clearly, if an individual were attempting to vote in the name of another, such a screening would be no obstacle. In recent months SABEL has issued a directive to all local boards instructing them to ask the voter for name, address, and day and month of birth; the individual's response will be verified against the information on the voter authority card. The Task Force endorses this process as a reasonable, nondisruptive enhancement to the security of the voting process.

Procedures for poll watchers and challengers was another element of controversy growing out of the 1994 General Election. The law on this subject is quite explicit (Article 33, § 15-3), though it may be outdated and followed erratically in the polling places. The Task Force believes that SABEL should assure that all local boards are made aware of the law's requirements. Those requirements should be an element in the training of election judges. Moreover, they should be made known before each election to those who send challengers and watchers to the polls -- political parties, campaigns, and candidates -- before each election. The proposed Commission to Revise the Election Code is urged to study this and other polling procedures to determine if they should be updated.

## **6. Election Judges**

For most citizens the only face-to-face contact they have with their election office is election day in the polling place. Largely their judgment of how well their election tax dollars are spent is based on the performance of those who staff the polls. They are people who come to work a day or two per year, and often never again; in a large Maryland jurisdiction, more than 2,000 such jobs have to be filled for each election.

Echoing suggestions made by a number of those who contributed to our discussion, the Task Force urges that SABEL give attention to persistent problems relating to election judges -- recruitment, training, and performance.

Throughout the country recruitment of election judges became a chronic problem a few decades ago as a result of shrinkage of the labor pool from which most of them had been drawn --

housewives who do not work outside the home. To staff the polls now, it is necessary to employ a variety of new techniques. Specific suggestions the Task Force heard include appealing to teachers and other school employees who are off work because election day is a school holiday; seeking leads from the party organizations; publicizing the need in newsletters of community organizations, including churches; permitting use of people from adjoining jurisdictions when local sources cannot produce enough (particularly true in jurisdictions where registration is heavily of one party); and using people of party affiliation other than with the two major parties. Ideas of all the local boards should be sought so that what has succeeded for one can be tried by others. Additionally, the Federal Election Commission's Clearinghouse on Election Administration, recognizing the recruitment of election judges as a nationwide problem, is currently surveying election authorities in the fifty states to ascertain the methods they use for staffing the polls; their report, due early next year, could offer new approaches for Maryland.

Polling place operations should be evaluated in order to provide guidance for improving election day performance. A number of techniques can be employed to obtain the raw data for evaluation: schedule and ask for reports from monitors who observe at the polls, particularly at opening, at heavy turnout times, and at closing; ask chief judges to keep a log or journal of election day, noting questions and problems as they occur; log incoming telephone calls to the board office, and their disposition; audit materials returned from the polling places, for completeness and correctness in filling out the required forms and records; send a feedback letter with the paycheck of each election judge to ask their assessment of the instruction they received, the materials they worked with, and the strengths and weaknesses of the procedures. Such input, pooled and analyzed, will produce an assessment of election judge performance, and provide clues as to how the procedures and materials could be amended to facilitate improvement.

Training of election judges has to be kept brief in order to hold the attention of the trainees. It should emphasize those areas found to be weak -- e.g., secure custody of voting machine keys -- and should not waste time on what everyone is doing well. Procedures which are new should be stressed -- e.g., SABEL's script for questioning the voter when he appears at the polls to confirm his identity. Written instructions should be clear and formatted for easy understanding; try them out on people who have never been in a polling place except to vote, rather than using election office workers as testers. Training sessions for first-time judges should be separate from those who have done it successfully before, and chief judges should receive more intensive instruction than the people they supervise. Visuals -- slides, video tapes -- are particularly effective for new staff; even role-playing works well if the board has people who enjoy putting on a performance.

### **Specific Recommendations**

The Task Force received scores of recommendations for specific changes in the Election Code, the regulations adopted by SABEL, and other election-related laws and procedures. The following are issues on which the Task Force has taken a position and, in one case, has prepared legislation. (See Appendix E.1)



### **1. Absentee Ballot Application Affidavit**

The statutory requirement for an affidavit on a voter's application for an absentee ballot is a hindrance to the efficient operation of the electoral process and to the fullest exercise of the franchise. For many years some boards have accepted signed letters of application without the affidavit. After the 1994 election this practice was challenged, and the validity of hundreds of ballots was questioned despite the fact that the ballot envelope in which they were returned did bear a signed affidavit. Because an affidavit is required on the actual ballot envelope, the first affidavit is redundant.

The Task Force recommends that Article 33, § 27-4 be amended to delete this requirement. (See Appendix E.1)

This change should be enacted in the first month of the 1996 Legislative Session as an emergency bill so that it will apply to the March, 1996 Presidential Primary, when absentee voting will be heavy.

### **2. "Declines" and Minor Party Registrants - Service as Election Judges**

Some jurisdictions, most notably Baltimore City, have difficulty finding a sufficient number of qualified individuals to serve as election judges at the polls. The Election Code requires that only registered voters of the majority party and the principal minority party be appointed as election judges. The Task Force notes that there are increasing numbers of citizens registering without party affiliation (termed "declines" in the law). Additionally, a number of Maryland voters are registered as members of political parties other than the Democratic party and the Republican party.

The Task Force recommends that Article 33, § 2-7 be amended to make declines and members of "third parties" eligible for appointment, so long as judges affiliated with the majority party and principal minority party are also present.

### **3. Recounts**

Under the present law a candidate may initiate the procedure for a recount of votes only after a primary election, not a general election. Moreover, in statewide and other multi-jurisdiction contests, the petition for recount must be filed in each jurisdiction.

The Task Force recommends that Article 33, § 13-1 be amended to authorize recounts of all elections conducted under Article 33, whether primary, general, or special, so that a candidate who believes the count is incorrect is not forced to file suit to accomplish the same goal. Additionally, § 13-1 should be amended to allow a single petition to be filed with SABEL to initiate a recount statewide or in other multiple-jurisdiction situations.

The Task Force also suggests that the proposed Commission to Revise the Election Code consider the possibility that doubts about the correctness of a very close election result (in such instances, doubts are inevitable) be verified by an automatic recount before the winner is certified. Such a recount is conducted by an election authority on its own initiative, and at public expense, when the original complete count indicates a very close result. Fourteen states now have such a statutory provision; a number of others provide this type of recount if the losing candidate so requests. The closeness threshold defined in these laws usually ranges from 0.1 to 2.0 percent; in most instances, the law was enacted after a very close election when the losing candidate chose not to contest the result because he or she could not afford the cost of it.

A requirement to automatically recount a close election reflects a recognition that vote counting is complex and offers many opportunities for honest error even when the process is free of corruption and conducted by competent personnel.

A recount is conducted by the local board or boards, and at this time their process and performance is scrutinized, often in the glare of media attention. This is a time when SABEL should be on site, to monitor the operation and guarantee the contesting parties that they all will be treated fairly, to ensure that those conducting the recount comply with State regulations and the written procedures they have developed, and to support the local board at a time when it is being tested.

#### **4. Penalties for Election Judges**

The Election Code makes it a misdemeanor, punishable by a fine of not less than \$100 nor more than \$300, for an election judge to fail to serve on election day. The law makes an exception for absences caused by "ill health, infirmity or old age". The difficulty of prosecution under this statute has resulted in its not being used. Moreover, there would be a chilling effect on recruitment of judges if there was any effort at enforcement, or even if the recruits were aware that prosecution was a possibility.

The Task Force recommends that Article 33, § 24-4 be repealed.

#### **5. Compensation of Election Judges**

The Task Force is mindful that the people who staff the polling places have broad responsibility for election day operations, that they are temporary employees who function without any on-site supervision, and that their working hours are long and stressful. They report at 6:00 or 6:30 a.m. and do not finish their work until 8:00 or 10:00 p.m.; there are no meal breaks and no overtime after eight hours. Minimum compensation for election judges is set by statute (\$20 per election), but all counties long ago passed and exceeded the minimum. Currently compensation varies widely from one jurisdiction to another, ranging from \$65 to \$150. In several counties, judges get additional pay for attending the training session.

It is hard to dispute that election judge compensation is not commensurate with the responsibilities imposed and performance expected. Moreover, there are those who argue that the shortage of people available and willing to serve as pollworkers would be alleviated if the job paid more. Legislation has been introduced, with strong support from the local election officials, to require that judges throughout the State be paid a minimum of \$100 for each election, that chief judges be paid a minimum of \$150, and that each judge receive an additional \$25 for attending training.

There is no evidence the additional compensation makes more people, of requisite competence, available for election day service, as is noted in the Attorney General's report on the 1994 election, and as borne out by Maryland's own experience and that of other states. In recent decades increasing pay has not led to increased availability. To raise compensation would be to add considerably to what is already a very large line item in the budget for each election, a financial burden that would fall on the already fiscally constrained local jurisdictions. Moreover, if service at the polls is compared to that of jurors, whose service is seen as a citizen obligation for which one is paid a stipend, then current election judge compensation does not seem out of line.

Accordingly, while the Task Force members recommend that election judge compensation throughout the State should be uniform, they took no stand on what that compensation should be.

#### **6. Number of Precincts in Baltimore City**

The difficulty that Baltimore City experiences in obtaining qualified election judges of both parties is related, in part, to the large number of precincts in the City as compared to counties of similar populations. For example, in the 1994 elections Baltimore County had 180 precincts for approximately 382,000 registered voters, while the City had 408 precincts for approximately 335,000 registered voters.

The Task Force understands that the special circumstances of an urban environment -- such as the compression of federal, State, and local political boundaries within the city's borders and the comparative lack of parking at polling places -- makes a neighborhood-based system of polling places more appropriate than in other areas of the State. However, the Task Force was informed that since the 1994 election the City already has successfully implemented a substantial consolidation of City precincts in a single ward (the 27th Ward), thus reducing the total number of precincts from 408 to 372; accordingly, fewer election judges were required in the 1995 City election.

The Task Force recommends that the Baltimore City Election Board continue to substantially reduce the number of precincts by the 1998 election, based on the Board's successful consolidation in the 27th Ward effort so as to achieve uniformity throughout the City. The goal of overall consolidation should be to place the City in approximate conformity to the voter-to-precinct ratio in surrounding areas of the State.

## **7. Legal Representation of the Baltimore City Board**

By law, the Office of the Attorney General provides legal representation to both SABEL and the Baltimore City Election Board. None of the county boards are represented by the Attorney General; they instead employ independent counsel.

There are instances in which this dual representation by the Attorney General can create a conflict. The Task Force believes, moreover, that the disparate treatment of the Baltimore City Election Board is not justified and recommends that the law be changed to put the City in the same posture as each of the counties.

The Task Force considered the question of whether the Attorney General's representation of SABEL should also be altered. In view of the Attorney General's participation in the electoral process as a candidate, the potential for conflict is evident. However, there has been a long tradition of professional and impartial representation of SABEL by the Office of the Attorney General. Additionally, there is a constitutional issue regarding the Attorney General's representation of State agencies, which would require further analysis. While the proposed Commission to Revise the Election Code may wish to look into the various issues of legal representation, the Task Force takes no position as to the representation of SABEL.

The Task Force recommends that § 6-107(a)(1) of the State Government Article be repealed, thereby removing the requirement that the Attorney General represent the Baltimore City Election Board. The Baltimore City Board would then come under the general provisions of Article 33, § 2-5.

## **8. Powers of Prosecutorial Authorities**

In his testimony before the Task Force, the State Prosecutor made a strong argument that prosecution of election-related offenses is hampered by two factors: the law's 2-year statute of limitations and the inability of the State Prosecutor to offer immunity in return for testimony.

The Task Force is not prepared to recommend either of these changes in the statutory law, because each requires further study of the various issues involved and relates to provisions codified outside the Election Code. If a Commission to Revise the Election Code is created, as recommended in this Report, the Commission should carefully consider both proposals.

## **BILLS REFERRED TO THE TASK FORCE**

During the 1995 Session of the General Assembly, after it became clear that this Task Force would be appointed, the legislative committees with jurisdiction over the Election Law

voted to refer some two dozen bills to the Task Force for recommendations. (See Appendix A.3) On many of these issues, the Task Force received little or no testimony and has no position. As mentioned earlier in this Report, that disposition by the Task Force does not reflect on the merits of those proposals. On other issues, however, the Task Force was in agreement in support or opposition. Those bills, and the Task Force position on each, are listed below.

**Bills referred by House Committee on Commerce and Government Matters**

House Bill 7: Election Laws - Absentee Ballot Process  
- Support in concept.

House Bill 38: Election Judges - Appointment - Independents  
- Support in concept. Recommend addition of minor party registrants.

House Bill 172: Election Laws - Candidates - Delivery of Absentee Ballots to Voters - Prohibited  
- Support in concept.

House Bill 197: Election Laws - Procedure - Board of State Canvassers and Contested Elections  
- No position.

House Bill 247: Gubernatorial Term - Commencement  
- No position.

House Bill 293: Election Laws - Electronic Records and Reports  
- Support in concept.

House Bill 478 Election Laws - Policies and Procedures  
- No position.

House Bill 480: Election Laws - Voter Identification Cards - Photographs  
- Oppose.

House Bill 1214: Election Laws - Electronic Ballots and Signatures  
- No position.

**Bills referred by the Senate Committee on Economic and Environmental Affairs**

Senate Bill 4: Election - Write-In Candidacy - Candidates Defeated in Primary  
- No position.

- Senate Bill 42: Election Laws - Residence Designation of Candidates on Ballots  
- No position.
- Senate Bill 180: Statute of Limitations - Election Law and Ethics Law Violations  
- Support in concept (refer to Commission).
- Senate Bill 192: Election Laws - Absentee Voters Publication  
- No position.
- Senate Bill 246: Election Laws - Election Judges - Absence of Judges Not Cause to Deny Voter the Opportunity to Vote  
- No position.
- Senate Bill 355: Election Laws - State Administrative Board of Election Laws - Voter Files  
- Refer to Commission.
- Senate Bill 394: Election Laws - Policies and Procedures  
- No position.
- Senate Bill 712: Elections - Municipal Corporation and Baltimore City Officers  
- No position.
- Senate Bill 722: Election Laws - Change of Party Affiliation  
- No position.
- Senate Bill 766: Election Laws - Electronic Ballots and Signatures  
- No position.
- Senate Bill 785: Election Laws - Judges of Election - Declines  
- Support in concept. Recommend addition of minor party registrants.
- Senate Bill 787: Election Law - Filing Fees - Distribution  
- No position.
- House Bill 24: Election Laws - Expenditures by a Campaign Treasurer - Wire Transfers  
- No position.
- House Bill 25: Election Laws - Contributions and Expenditures - Reporting Requirements  
- No position.

**House Bill 35: Political Committees - Use of a Candidate's Name**  
- No position.

**House Bill 479: Election Law - Election Judges - Residence**  
- No position.

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## **APPENDIX A**

### **ORGANIZATION OF THE TASK FORCE**



1995 LAWS OF MARYLAND

CHAPTER 514

(Senate Bill 244)

AN ACT concerning

**Task Force to Review the State's Election Law**

FOR the purpose of creating a Task Force to Review the State's Election Law; specifying the composition, powers, and duties of the Task Force; requiring the Task Force to report its findings and recommendations by a certain date; providing for the termination of this Act; making this Act an emergency measure; and generally relating to the Task Force to Review the State's Election Law.

BY adding to

Article 41 – Governor – Executive and Administrative Departments

Section 18–307

Annotated Code of Maryland

(1993 Replacement Volume and 1994 Supplement)

Preamble

WHEREAS, The assurance of open and fair election procedures is at the core of the principles of democracy on which our country was founded; and

WHEREAS, It is essential that steps be taken to analyze the State's election law, and its implementation by the boards of election supervisors, to recommend any necessary changes in statutes, regulations, and procedures and in the voting and vote counting process; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article 41 – Governor – Executive and Administrative Departments**

18–307.

(A) THERE IS A TASK FORCE TO REVIEW THE STATE'S ELECTION LAW.

(B) THE TASK FORCE SHALL BE COMPOSED OF 13 MEMBERS APPOINTED AS FOLLOWS:

(1) ~~THREE TWO~~ TWO MEMBERS OF THE HOUSE OF DELEGATES, ~~WITH REPRESENTATION FROM BOTH MAJOR POLITICAL PARTIES,~~ APPOINTED BY THE SPEAKER OF THE HOUSE AND ONE MEMBER ~~OF THE HOUSE~~ APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF DELEGATES;

(2) ~~THREE TWO~~ MEMBERS OF THE SENATE OF MARYLAND, ~~WITH REPRESENTATION FROM BOTH MAJOR POLITICAL PARTIES,~~ APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER *OF THE SENATE* APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(3) ~~SEVEN FIVE SEVEN~~ INDIVIDUALS APPOINTED BY THE GOVERNOR REFLECTING THE DEMOGRAPHIC MAKEUP OF THE STATE ~~AND AT LEAST TWO OF WHOM ARE MEMBERS OF THE MINORITY PARTY TWO INDIVIDUALS APPOINTED BY THE GOVERNOR FROM A LIST OF FIVE NAMES SUBMITTED BY THE CHAIRPERSON OF THE REPUBLICAN PARTY, INCLUDING AT LEAST TWO MEMBERS OF THE MINORITY PARTY.~~

(C) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE TASK FORCE.

(D) (1) THE DEPARTMENT OF LEGISLATIVE REFERENCE SHALL PROVIDE STAFF FOR THE TASK FORCE.

(2) THE STATE ADMINISTRATIVE BOARD OF ELECTION ~~LAW~~ LAWS AND THE ATTORNEY GENERAL SHALL PROVIDE ASSISTANCE AND ADVICE TO THE TASK FORCE AS REQUESTED BY THE TASK FORCE.

(E) A MEMBER OF THE TASK FORCE:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE TASK FORCE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE TASK FORCE SHALL:

(1) REVIEW THE RULES, REGULATIONS, AND PROCEDURES OF THE STATE ADMINISTRATIVE BOARD OF ELECTION ~~LAW~~ LAWS AND THE VARIOUS BOARDS OF ELECTION SUPERVISORS, IN PARTICULAR THE MANNER IN WHICH THOSE PROCEDURES WERE CARRIED OUT DURING THE 1994 ~~GUBERNATORIAL~~ GENERAL ELECTION;

(2) REVIEW THE LAW RELATING TO THE CONDUCT OF ELECTIONS, INCLUDING A REVIEW OF THE PROCEDURES RELATED TO VOTING BY ABSENTEE BALLOT AND WHETHER THERE SHOULD BE UNIFORM STATEWIDE PROCEDURES FOR THE CONDUCT OF ELECTIONS AND FOR VOTING BY ABSENTEE BALLOT;

(3) CONSULT OUTSIDE AUTHORITIES REGARDING THE CONDUCT OF ELECTIONS;

(4) RECEIVE OTHER TESTIMONY THAT THE TASK FORCE CONSIDERS APPROPRIATE; AND

(5) DEVELOP ANY RECOMMENDATIONS THAT IT CONSIDERS APPROPRIATE FOR CHANGES IN STATUTES, REGULATIONS, ORGANIZATION, OR PROCEDURES.

(G) (1) THE TASK FORCE MAY REPORT ANY PRELIMINARY FINDINGS TO THE GOVERNOR AND THE GENERAL ASSEMBLY, PRIOR TO ITS FINAL REPORT, AT ANY TIME THE TASK FORCE CONSIDERS SUCH A REPORT APPROPRIATE.

(2) THE TASK FORCE SHALL MAKE ITS FINAL REPORT NOT LATER THAN DECEMBER 31, 1995 TO THE GOVERNOR AND THE GENERAL ASSEMBLY.

(H) THIS SECTION SHALL BE VOID AFTER DECEMBER 31, 1995.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

## **MINUTES**

### **Task Force to Review the State's Election Law Room 200, Senate Office Building Annapolis, Maryland**

**August 14, 1995**

**Members present:** George Beall, Chairman; Senator Michael Collins; Senator David Craig; Delegate John Arnick; Delegate John Wood, Jr.; Catherine Ashley-Cotleur; Carville Collins; Marie Garber; Nathanael Pollard, Jr.; and George Russell, Jr.

**Also present:** Delegate Robert Kittleman

**Staff:** William Somerville, Theodore King, Jr., and Carol Swan

#### **Introduction**

Chairman Beall called the meeting to order at 9:30 a.m. Each member of the Task Force, and each staff member, introduced himself or herself. Chairman Beall discussed the statutory charge of the Task Force under Chapter 514 of the Acts of 1995.

#### **Presentation by Mr. Raynor**

Mr. Gene Raynor, State Administrator of Election Laws, distributed a written statement and presented a summary of the operation of the State Administrative Board of Election Laws (SABEL).

Among the points covered by Mr. Raynor were:

- That SABEL provides assistance to, rather than direct supervision of, the local boards, which operate essentially autonomously.
- Under the federal "Motor Voter Act", SABEL maintains a statewide computerized voter registration system, with links to each local board and to the MVA. This computerization will be complete at the end of this year. SABEL also provides computer services for fourteen county boards.
- A discussion of the various voting systems used in the State, including some problems with systems.
- In answer to question about the security of voting systems, that he had absolute confidence in the security of all voting systems authorized by SABEL.

- That each county and Baltimore City pays the whole cost of its elections and the expenses of its local board.
- That there was no pattern of fraud or impropriety in the 1994 election.
- That the cost of switching to a computerized system is considerable. (Doris Suter, Administrator of the Baltimore County Board remarked that the County will lease the Optech III system at a cost of \$2.25 million for 7 years.)
- That each local board hires its own attorney except the Baltimore City Board, which uses the Office of the Attorney General.

Presentation by Mr. Antonetti

The chairman next introduced Robert Antonetti, Administrator of the Prince George's County Board and President of the Maryland Association of Election Officials (MAEO). Mr. Antonetti distributed minutes of the February 10, 1995 meeting of MAEO, in which several recommendations were made for changes in election procedures and in the election law. He introduced representatives of the various local boards who were present in the audience.

Among the issues discussed by Mr. Antonetti were: voter registration, selection and training of election judges, absentee voting, and polling place procedures.

Conclusion

Chairman Beall announced that the Task Force would have a site visit on September 12 to observe the Baltimore City Primary, with another meeting to be held in Annapolis on September 28.

The Chairman asked that anyone interested in testifying or presenting material should contact William Somerville of the Task Force staff (841-3870).

The meeting was adjourned at 12:15 p.m.

**REVISED MINUTES**

**Task Force to Review the State's Election Law  
Room 200, Senate Office Building  
Annapolis, Maryland**

**September 28, 1995**

Members present: George Beall, Chairman; John Arnick, Catherine Ashley-Cotleur, Carville Collins, Michael Collins, David Craig, Joseph Getty, Brian Frosh, Marie Garber, Joseph Getty, Nathanael Pollard, Jr., George Russell, Jr., Lloyd Simpkins, John Wood, Jr.

Staff: William Somerville, Theodore King, Jr., Carol Swan

Chairman Beall called the meeting to order at 9:35 a.m. The Chairman described what had transpired at the previous meeting of the Task Force and at the site visit to the Baltimore City Primary. He restated the goals of the Task Force's study: to investigate whether elections can be conducted in a better manner and to correct shortcomings in the current system.

Briefing by the Office of the Attorney General

Ralph Tyler, Deputy Attorney General, and Jack Schwartz, Chief Counsel for Opinions and Advice, presented testimony to the Task Force on ways of improving election procedures.

Mr. Tyler stated that the Election Code is ambiguous, if not conflicting, in provisions relating to the administration of elections. Uncertainty and inconsistency in administration are the result. He noted that fiscal responsibility is with the local jurisdictions, a classic "unfunded mandate". The goal for election administration should be consistency throughout the State in: registration, eligibility to vote (especially absentee), training of judges, and tallying of votes. Voting system uniformity, while desirable would be quite expensive.

The following recommendations for structural changes were advanced by Mr. Tyler:

- Thought should be given to centralizing all election administration in SABEL, with local offices being elements of the State Board.
- Alternatively, increase the accountability of local boards to SABEL.



- Again, alternatively, more clearly define the responsibilities of the local boards.
- Centralize voter registration in SABEL. This would simplify the updating and (to the extent allowed by federal law) purging of voter registration lists.

In discussing SABEL's powers, Mr. Tyler noted that the Board currently exercises authority over voter registration, voting systems and recount procedures. He recommended that SABEL take a more active role in the areas of absentee ballots, training of judges, and polling place logistics.

Mr. Tyler noted that Baltimore City's problem in funding a sufficient number of election judges could be eased by allowing nonresidents to be judges (requiring a statutory change) and reducing the number of precincts (an administrative change).

The following are points raised in response to questions from members of the Task Force:

- Re the use of "independents" as election judges: The AG's Office has not given the issue much thought, but conceptually has no problem with the idea.
- Re representation of both SABEL and the Baltimore City Election Board: The AG's Office represents SABEL under its general charge to represent units of State government. The Baltimore City Board is represented pursuant to an 80 year old statute requiring the representation. The Office takes no position on whether representation of the Baltimore City Board should continue. Independent representation of SABEL would be more complicated and more costly.
- Re inconsistency among boards in dealing with voters appearing at the polls who are not on the registration printouts: The statute on this subject is archaic, so the boards have developed procedures on their own.
- Re whether there is a conflict in the law regarding independent representation of local boards, but representation of Baltimore City the AG's Office: The intent of the law is clear about the Baltimore City Board. The AG's Office has no authority over the other local boards and, in view of staff resources, has no desire to acquire the role of representing those boards.
- Re the inadequacy of the Election Code: The statutory law needs to be rewritten. Code Revision should revise Article 33 at the earliest opportunity.
- Re the impact of third parties and independent candidates: The Code has adequate provisions for these. A new party is unlikely to meet the standard for participation in the primary.

Briefing by the Republican Party of Maryland

Joyce Terhes, Chairman of the Maryland Republican Party, and Christopher West, Executive Director and General Counsel, presented a written statement to the Task Force and summarized the statement in testimony. The written statement is on file with staff to the Task Force.

The following are points made in response to questions from members of the Task Force:

- Re the problem of finding sufficient Republican judges in Baltimore City, and whether the Party seeks "competent" people or "competent and partisan" people to fill these positions: The Party is looking for competent individuals in whom there is the confidence of the Party. They should be looking out for the interest of the Party.
- Re efforts to recruit Republican judges in Baltimore City: It is a problem of long standing and will continue to be a problem.

[There was considerable dialogue about the report of the State Prosecutor.]

Briefing by the Maryland Democratic Party

A written statement was presented to the Task Force and summarized by Richard Krauser, Vice Chairman of the Maryland Democratic Party, Richard Parsons, Executive Director, and Bruce Marcus, General Counsel. The written statement is on file with staff to the Task Force.

The following are points made in response to questions from members of the Task Force:

- Re provisions of law relating to challengers and poll watchers: There should be uniformity of application of the law among jurisdictions. The trend in recent times has been to put workers outside the polls rather than inside, however.
- Re difficulty finding election judges: It is a problem for the Party in some areas of the State. If a significant amount of money (e.g. \$300) was paid, there would be no problems, but most people do not serve for the money.

Conclusion

Chairman Beall announced the future agenda and adjourned the meeting at 12:30 p.m.



## **MINUTES**

### **Task Force to Review the State's Election Law Room 200, Senate Office Building Annapolis, Maryland**

**October 11, 1995**

**Members Present:** George Beall, Chairman, John Arnick, Catherine Ashley-Coteleur, Michael Collins, David Craig, Brian Frosh, Marie Garber, George Russell, Lloyd Simpkins, John Wood

**Staff:** William Somerville, Theodore King, Jr., Carol Swan

Chairman Beall called the meeting to order to 9:30 a.m.

#### **League of Women Voters**

The Chairman called Nancy Orr, representing the League of Women Voters, to testify. Ms. Orr supplied the Task Force with a written statement, which is available from Task Force staff. In her remarks, Ms. Orr noted that the League has undertaken its own study of Maryland's election procedures, which should be complete in the Spring of 1997.

The issues being studied by the League include:

- Methods of counting votes;
- Selection and training of election judges;
- Voter eligibility; and
- Implementation of the "Motor Voter" law.

The League has formulated no recommendation as yet.

#### **Office of the State Prosecutor**

Stephen Montanarelli, accompanied by Thomas Krehely and Isabel Cumming presented extensive testimony to the Task Force, based on their investigation of the 1994 gubernatorial

election. Mr. Montanarelli noted that, while his previous experience with the Election Code related to criminal offenses, this investigation concentrated on procedural activities at the precinct level. He briefly described the method of his investigation, noting that Mr. Krehely concentrated on all aspects of the voting machines, while Ms. Cumming concentrated on the activities of judges.

Mr. Montanarelli noted that the investigation did not identify anyone who had knowledge (or who could point to anyone who had knowledge) of a conspiracy to corrupt the election. He noted, however, that there are organizational problems with the Election Code and management problems with the Baltimore City Election Board.

Among the observations and recommendations made by Mr. Montanarelli were:

- Empower a single individual to run elections, not a board. Expand the administrators' statutory authority, including that of the State Administrator.
- Make the administrators "public officials" who would be subject to prosecution for misconduct in office.
- Insulate administrators from political influence. Election administration should not be subject to political patronage. Administrators should be nonpartisan professionals.
- Although expensive, there should be a uniform, computerized voting system throughout the State. It should be "noncentralized", so that computer failure will not cause widespread delay in the results. Voting machines are overly complicated, subject to breakdowns, and cause public distrust.
- If machines are to be used, there should be clearer procedures for maintenance of keys and better record-keeping of repairs.
- Simplify and update the Election Code.
- Work harder to train the election judges in Baltimore City; concentrate on the chief judges.
- Allow judges to be recruited from outside the jurisdiction.
- Remove criminal penalties for judges not showing up. Substitute civil fines.
- Absentee ballots should be prenumbered to reduce the possibility of fraud. If there is going to be tampering, it will be after the absentee ballots are opened.

- Local boards should do spot inspections of polling places.
- Lengthen the statute of limitations for election offenses: no limit for intentional crimes; 3 years for unintentional.
- Restore the State Prosecutor's power to grant immunity to witnesses in election investigations.

In answer to questions from members of the Task Force, Mr. Montanarelli made the following observations:

- His office received full cooperation from election judges in the investigation.
- There was no evidence of fraud in voter identification at the polls.
- Discrepancies in the numbers of votes cast was primarily a result of errors by judges in the binder books.
- The allegations of election fraud were brought in good faith.
- The voting machine totals can be tampered with, but it will be detectable on the print pack.
- To have generated 6,000 false votes, a significant number of people would have to be in collusion, using a significant number of machines.

At the conclusion of the testimony, Mr. Beall asked Mr. Montanarelli to send the Task Force a letter detailing the recommendations made in the testimony.

#### Work Session

Carol Swan and Theodore King summarized the bills that have been referred to the Task Force by the Senate Economic and Environmental Affairs Committee and the House Commerce and Government Matters Committee.

Mr. Beall asked that the members review the bills, especially the comprehensive bills, for discussion at a future work session.

Ms. Ashley-Cotleur suggested that problems with obtaining sufficient qualified judges might be eased by reforms such as job sharing and day care. She proposed a pilot program. Ms. Garber

noted that a two-shift day has been proposed, but it is not attractive because of the need for increased recruitment.

Judge Simpkins suggested contacting the attorneys for the local boards. Mr. Beall stated that he and Mr. Somerville would be in Ocean City for the biennial election board meeting and could get the attorneys' input at that time. Mr. Antonetti stated that he would write to each local board to suggest they contact Mr. Beall and Mr. Somerville with any suggestions.

The meeting was adjourned at 12:30 p.m.

## **MINUTES**

**Task Force to Review the State's Election Law  
Room 200, Senate Office Building  
Annapolis, Maryland**

**October 26, 1995**

**Members Present:** George Beall, Chairman, Catherine Ashley-Cotleur, Carville Collins, Michael Collins, Brian Frosh, Marie Garber, Joseph Getty, George Russell, Jr., Lloyd Simpkins, John Wood, Jr.

**Staff:** William Somerville, Theodore King, Jr.

Chairman Beall called the meeting to order to 9:35 a.m. and summarized his attendance at the "open house" held by the Baltimore County Election Board and the biennial meeting of election boards in Ocean City.

### **VOTER**

Mr. Drake Ferguson was the first of three individuals who presented testimony on behalf of the VOTER (Volunteers Organized Toward Election Reform) organization. He delivered a written statement, which is on file with Task Force staff. His remarks summarized that statement.

Ms. Dee Hodges also presented a written statement, summarized in testimony. The statement deals with: Keyboxes on voting machines, "stonewalling" of VOTER's study by election officials, deficiencies in the official investigation, a call for the removal of specific officials and employees, and proposed changes in election day procedures. The statement is on file with Task Force staff.

Mary Ellen Anderson also presented a written statement, summarized in testimony. The statement contains 13 recommendations for changes in the Election Code and in electoral procedures. The statement is on file with Task Force staff.

In answer to questions from members of the Task Force, the following points were made by Mr. Ferguson, Ms. Hodges, and Ms. Anderson:

- There is an "honest disagreement" between VOTER and the State Prosecutor as to whether key lock boxes in voting machines improved or impaired the level of security.



- VOTER is not in a position to present evidence of fraudulent votes, but there was such a degree of gross mismanagement that the 1994 gubernatorial election was "not a legal election".
- There is no implication by VOTER that Judge Theime was biased during the January 1995 challenge.
- There will always be some human error in running elections, but gross breaches of security undermine the public's confidence in the system.
- A strong State Administrator and more centralized control would be beneficial.

Daniel Earnshaw

Mr. Earnshaw, a former member of SABEL, presented remarks suggesting, among other things, that some members of the Task Force may have a conflict of interest because the law firm in which they are partners represented Mr. Glendenning in Mrs. Sauerbrey's Circuit Court challenge. Mr. Earnshaw stated that the Election Code does not need any changes.

Noreen Hamner

Ms. Hamner testified about her experience as a poll watcher in the September 1995 primary election in Baltimore City. She recommended that election judges receive better training about the rights of poll watchers.

Richard Smolka

Mr. Smolka, an expert on election law and procedures throughout the United States, presented remarks about national trends in the law, as follows:

- States are moving to statewide voter registration lists (e.g. Virginia).
- States are "digitizing" signatures for voter identification (e.g. Minnesota).
- New voting systems are being utilized throughout the country.
- Some states (e.g. Florida and North Carolina) are requiring certification or other specific training for election officials.
- Absentee voting is being made easier. Oregon is holding some all-mail elections and

came close to enacting a law requiring all elections to be by mail only.

- Early voting (in-person) up to 2 weeks before the election is used in Texas and Oklahoma.
- Several states have undertaken wholesale revisions to their election codes to eliminate obsolete provisions and ambiguities.

In answer to questions from Task Force members, Mr. Smolka noted that:

- The day of the week on which an election is held makes no statistical difference in turnout, though weekend voting adds to the availability of judges.
- While laws in a few states require some form of identification to be presented by voters, the requirement is not widely followed in practice.
- Maryland, as compared to other states, has a basically sound, honest election process.
- The major trend in absentee voting is elimination of the "reasons why" requirement. In California, a voter needs no reason at all to vote absentee. (In the "early voting" states, no reason is needed to vote early).

[Ms. Garber noted that statistics about identification of voters are unreliable because the survey questions are often asked wrong, producing misleading results.]

Margaret Crowder

Ms. Crowder, a former member of SABEL, presented a written statement, which she summarized in testimony. The statement is on file with Task Force staff.

The meeting was adjourned at 12:15 p.m.



## **MINUTES**

**Task Force to Review the State's Election Law  
Room 200, Senate Office Building  
Annapolis, Maryland**

**November 8, 1995**

**Members Present:** George Beall, Chairman, John Arnick, Catherine Ashley-Cotleur, Carville Collins, Michael Collins, David Craig, Marie Garber, Joseph Getty, Nathanael Pollard, Jr., George Russell, Jr., John Wood, Jr.

**Staff:** William Somerville, Theodore King, Jr., Carol Swan

Chairman Beall called the meeting to order at 9:40 a.m.

Deborah Povich, Executive Director of Common Cause of Maryland, presented testimony endorsing an increase in the statute of limitations period for election offenses from 2 years to 4 years. Ms. Povich also endorsed House Bill 293 of 1995 (which had been referred to the Task Force) to permit electronic filing of campaign financing reports. Ms. Povich's written statement is on file with Task Force staff.

Dean Ahmed and Stuart Simms, representing the Coalition for a Democratic Maryland, presented written statements and testimony in support of Senate Bill 261 of 1991 (which had been referred to the Task Force) to broaden ballot access for independent and third-party candidates. Their written testimony is on file with Task Force staff.

The remainder of the meeting was a work session at which Task Force member Marie Garber reviewed the issues before the Task Force, sharing her insights on many of these issues. Ms. Garber distributed an outline of her remarks, which is available from Task Force staff.

Among the points made by Ms. Garber were the following:

Re local autonomy: SABEL was created in 1969 on top of the existing locally autonomous structure. Originally proposed as a State Administrator only, the State Board was added as an afterthought. Maryland is the only state that has a state administrative board; all others have a "state board of elections". States such as Oklahoma and Kentucky that have strong state control also have state funding of the process.

**Minutes - 11/8/95 Meeting**  
**Page 2**

- **Re the role of SABEL: SABEL should make greater use of its rulemaking authority. Some local boards need more administrative support than others. SABEL should be a director and a leader, not a policeman.**
- **Miscellaneous: A revision of the Election Code is worthwhile; skilled drafting is the most important element of the process. All penalties for "no-show" election judges should be eliminated. Eliminate the affidavit on requests for absentee ballots. Make the key boxes on voting machines legal.**

**The meeting was adjourned at 12:30 p.m.**

## **MINUTES**

**Task Force to Review the State's Election Law  
Room 200, Senate Office Building  
Annapolis, Maryland**

**November 16, 1995**

**Members Present:** George Beall, Chairman, John Arnick, Catherine Ashley-Cotleur, Carville Collins, Michael Collins, David Craig, Brian Frosh, Marie Garber, Joseph Getty

**Staff:** William Somerville, Theodore King, Jr., Carol Swan

Chairman Beall called the meeting to order at 9:45 a.m.

Task Force member Marie Garber resumed her review of the issues currently before the Task Force.

Among the points raised by Ms. Garber were the following:

- Central voter registration by SABEL is a good idea if it is implemented properly. Planning for the needs of the future is essential. A study by the Federal Election Commission of voter registration systems is currently under way.
- The pending SABEL regulations on voter registration will have a process for eliminating "dead wood" that is at least as effective as the former 5-year purge.
- Re elimination of the "reasons requirement" for absentee voting: as a public policy matter, people should be encouraged to come to the polls if they are able to do so. Moreover, all-mail balloting is bad policy and creates potential for coercion.
- The office of Registrar is an archaic fixture. The Task Force should consider removing it from the law.
- Election judges should not be seen as representatives of their political parties, but rather as representatives of the public.

There was an extended discussion regarding manual voting machines. Delegate Getty referred to a document he had distributed detailing the conversion cost for each jurisdiction currently using the machines. Ms. Garber noted that, when Montgomery County switched to punchcards, it took 5 years of amortizing the costs before the switch became cost-saving. She explained that the Board's ability to sell its old machines shortened the period of added cost.

Julian Manelli of SABEL was asked whether the absentee balloting problems could be addressed by regulation rather than statute. He replied that the regulation-adoption process is quite lengthy. Helen Koss, Chairman of SABEL, noted that some of the problems with absentee ballots (e.g., affidavits) are statutory requirements that cannot be changed by regulation.

In a discussion of potential topics for the final report on which there is consensus, the Task Force decided the following:

- There should be clearer lines of authority for SABEL.
- The affidavit on the application for an absentee ballot should be eliminated.
- There should be a substantive revision of the Election Code.
- "Declines" should be allowed to serve as election judges.
- Baltimore City should be encouraged to reduce the number of precincts.
- A consultant study of statewide voter registration should be undertaken, and a high quality statewide system should be implemented.
- SABEL should encourage pilot programs of innovative techniques of election administration (e.g., in the area of election judges). SABEL should periodically survey the local boards regarding innovative ideas.
- There should be a provision for a recount in the general election. There should be only one filing in the case of multi-jurisdiction offices. (There was no consensus about circumstances under which the cost should be paid by the government.)
- There was no consensus about immunity powers for the State Prosecutor.
- Eliminate penalties for "no-show" election judges.
- There was no consensus on replacement of manual voting machines.

The meeting was adjourned at 12:30 p.m.

## **MINUTES**

### **Task Force to Review the State's Election Law Room 200, Senate Office Building Annapolis, Maryland**

**November 30, 1995**

**Members Present:** George Beall, Chairman, John Arnick, Catherine Ashley-Cotleur, Carville Collins, Michael Collins, David Craig, Brian Frosh, Marie Garber, and Joseph Getty

**Staff:** William Somerville, Theodore King, Jr., Carol Swan

Chairman Beall called the meeting to order at 9:40 a.m. and summarized the proceedings of the Task Force since its inception. He went on to solicit comments from the members about issues that may be included in the Report of the Task Force.

The following is a summary of the discussion on those issues:

#### **1. Comprehensive revision of Article 33.**

**Consensus:** The Report should recommend the creation of a Commission to Revise the Election Code.

#### **2. SABEL's role should be enhanced.**

**Consensus:** SABEL should make greater use of its rulemaking powers to move into more of a leadership role. SABEL should be given the powers necessary to give direction and bring more consistency to the election process.

#### **3. Use of technology.**

There was considerable discussion about the value of enhanced technology, whether mechanical lever voting machines should be eliminated, and the desirability of imposing an unfunded mandate on local jurisdictions.

**Consensus:** Technological modernization should be strongly encouraged.

There was a division among Task Force members about the statewide conversion to computer-based voting systems by a date certain. The majority rejected such a mandate.



4. Absentee ballots.

Consensus: The affidavit on the absentee ballot application should be eliminated.

Consensus: There should be consistent and, to the extent possible, uniform standards and procedures for the absentee voting process statewide.

5. Polling places.

Consensus: The Baltimore City board should continue its precinct consolidation.

Consensus: Election board employees and judges should be informed of the law's requirements with regard to challengers and poll watchers.

Consensus: SABEL's recent directive on verbal identification of voters (asking them their name, address, and day and month of birth) is endorsed. Use of photo ID cards is rejected.

6. Election judges.

Consensus: There should be uniformity of pay statewide.

Consensus: The criminal penalties for "no show" judges should be eliminated.

There was a division of opinion as to whether individuals from outside the jurisdiction should be allowed to serve as judges. The Report will contain no position on either side of this question.

Likewise there will be no position on whether the polls may be opened with only one party represented.

7. Legal representation of election boards.

There was considerable discussion of the Attorney General's role in representing SABEL and the Baltimore City board. There is no recommendation as to SABEL.

Consensus: That the Attorney General should not represent the Baltimore City board.

8. State Prosecutor - immunity.

Consensus: This issue should be referred to the proposed Commission.

9. Statute of Limitations.

Consensus: This issue should be referred to the proposed Commission.

10. Statewide voter registration system.

Consensus: The Report should state it as a goal and recommend appropriate study.

11. Electronic filing of campaign reports.

Consensus: This should be commented on favorably in the Report's discussion of technology.

12. Reform of campaign financing.

Consensus: This is a difficult issue that should not be addressed in the Report and should be avoided by the proposed Commission to Revise the Election Code.

13. Ballot access.

Consensus: This should be mentioned in the Report, but without a position.

Conclusion

At the end of the meeting, Chairman Beall proposed that a drafting subcommittee of himself, Marie Garber, and Bill Somerville work on a draft of the final report. The draft will be sent to members by December 11; comments will be due back December 18; and a final meeting, if necessary to resolve differences, will be held on December 21.

Members were requested to send in proposed language for the Report if they wished.

The meeting was adjourned at 12:20 p.m.

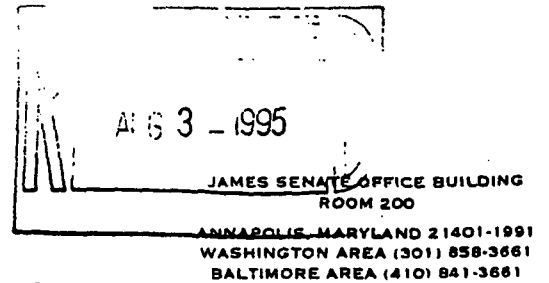


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LEONARD H. TEITELBAUM



## SENATE OF MARYLAND

ANNAPOLIS, MARYLAND 21401-1991  
ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE



August 2, 1995

George Beall, Esquire  
Hogan and Hartson  
111 South Calvert Street  
16th floor  
Baltimore, Maryland 21202

Dear Mr. Beall:

On behalf of the Senate Economic and Environmental Affairs Committee, I am writing to you in your capacity as the newly appointed Chairman of the Task Force to Review the State's Election Law.

During the 1995 Session of the Maryland General Assembly, the Senate Economic and Environmental Affairs Committee considered a multitude of legislation relating to the conduct of elections in Maryland. Owing to our passage of legislation establishing the Task Force to Review the State's Election Law, the Committee decided not to take any action on legislation within the charge of the Task Force and instead, to refer this legislation to the Task Force for its review. Accordingly, please find attached a list of the legislation referred to the Task Force for its consideration as well as copies of each bill.

On behalf of the members of the Economic and Environmental Affairs Committee, I would like to thank you for agreeing to undertake the responsibility of leading the Task Force in its review of the State's election procedures and look forward to receiving your recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Clarence W. Blount".

Clarence W. Blount  
Chairman

Enclosures

## SENATE BILLS

<u>BILL NO.</u>	<u>SPONSOR</u>	<u>SHORT TITLE</u>
SB 0004	Senator Baker	Elections - Write-In Candidacy - Candidates Defeated in Primary
SB 0042	Senator Della	Election Laws - Residence Designation of Candidates on Ballots
SB 0180	Senator Miller	Statute of Limitations - Election of Law and Ethics Law Violations
SB 0192	Senator Collins	Election Laws - Absentee Voters Publication
SB 0246	Senator Pica	Election Laws - Election Judges - Absence of Judges Not Cause to Deny Voter the Opportunity to Vote
SB 0355	Senator Della	Election Laws - State Administrative Board of Election Laws - Voter Files
SB 0394	Senator McCabe	Election Laws - Policies and Procedures
SB 0712	Senator Miller	Elections - Municipal Corporation and Baltimore City Officers
SB 0722	Senator Middleton	Election Laws - Change of Party Affiliation
SB 0766	Senator Miller	Election Laws - Electronic Ballots and Signatures
SB 0785	Senator Teitelbaum	Election Laws - Judges of Election - Declines
SB 0787	Senator McFadden	Election Law - Filing Fees - Distribution

## HOUSE BILLS

<u>BILL NO.</u>	<u>SPONSOR</u>	<u>SHORT TITLE</u>
HB 0024	Delegate Michael Burns	Election Laws - Expenditures by a Campaign Treasurer - Wire Transfers
HB 0025	Delegate Michael Burns	Election Laws - Contributions and Expenditures - Reporting Requirements
HB 0035	Delegate Curran	Political Committees - Use of a Candidate's Name
HB 0479	Delegate Morgan	Election Law - Election Judges - Residence





HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401-1991  
COMMITTEE ON COMMERCE AND GOVERNMENT MATTERS

April 13, 1995

GERALD J. CURRAN  
CHAIRMAN

ROOM 141 • LOWE HOUSE OFFICE BUILDING  
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(410) 841-3750 (FAX)

Gene M. Raynor, Administrator  
State Administrative Board of Election Laws  
P.O. Box 231  
Annapolis, Maryland 21404-0231

RE: Bills to be Referred to the Task Force to Review the State  
Election Laws

Dear Mr. Raynor:

As you requested in your recent letter, listed below are the bills considered during the 1995 Session that the Commerce and Government Matters Committee suggested be referred to the proposed Task Force to Review the State Election Laws:


- House Bill 7: Election Laws - Absentee Ballot Process;
- House Bill 38: Election Judges - Appointment - Independents;
- House Bill 172: Election Laws - Candidates - Delivery of Absentee Ballots to Voters - Prohibited;
- House Bill 197: Election Laws - Procedure - Board of State Canvassers and Contested Elections;
- House Bill 247: Gubernatorial Term - Commencement;
- House Bill 293: Election Laws - Electronic Records and Reports;
- House Bill 478: Election Laws - Policies and Procedures;
- House Bill 480: Election Laws - Voter Identification Cards - Photographs; and
- House Bill 1214: Election Laws - Electronic Ballots and Signatures.



Page 2  
April 13, 1995

The Committee thanks you and the rest of the SABEL staff for all your assistance during this past Session.

Sincerely,



Gerald J. Curran

GJC:TK:nml

cc: Members, Commerce and Government Matters Committee

**APPENDIX B**

**WRITTEN TESTIMONY  
PRESENTED AT HEARINGS**



## **TASK FORCE TO REVIEW ELECTION LAWS**

August 14, 1995 Meeting

### **INTRODUCTION**

Article 33, Section 1A-1 of the Annotated Code of Maryland establishes the State Administrative Board of Election Laws for the purpose of administering State statutes relating to elections.

The State Administrative Board of Election Laws exercises supervision over the conduct of elections in the State by the 24 local Boards of Supervisors of Elections. The Board's program seeks to ensure compliance with Maryland and Federal law and the fullest possible exercise of the franchise.

Through a five member board, appointed by the Governor with the advice and consent of the Senate, a State Administrator and a 21 member staff, the Board's mission is to provide convenient access to all eligible citizens of the State to register to vote, provide all citizens of the State easy accessible locations in which they may exercise their right to vote, ensure uniformity of election practices which will promote fair and equitable elections and maintain registration, campaign and other election data in a form that can be made readily accessible to all citizens upon their request.

### **Voter Registration**

Implementation of the National Voter Registration Act "Motor Voter". SABEL and our Assistant Attorney General prepared legislation in 1994 to bring Maryland law into compliance with the National law. Since the January 1, 1995 effective date, we have regularly held meetings with all local election officials regarding standard procedures, implementation techniques and general problem solving roundtable discussions.

COMAR Regulations establishing uniform implementation of the new requirements are in the adoption process and are scheduled to be published in the Maryland REGISTER on September 15, 1995.

A statewide voter registration computer system is well underway.

## Voter Registration

Currently we provide Data Processing Services to 14 counties through the Annapolis Data Center - staff member Joan Mobley handles coordination and production of materials such as pre-printed voter authority cards, computer produced precinct registers, voter notification cards and voter registration statistics generated by the system.

SABEL designs, produces and supplies a statewide Voter Registration Application. Prior to this form, each local board had VRAs specific to their county and could only be used for that county. If a group wished to hold a registration drive, they were required to obtain individual forms from all counties. Our yellow VRA is accepted statewide and several counties have stopped producing a county VRA and strictly use the Statewide form. We continuously maintain a large in-house stock of Statewide VRAs.

The Libertarian Party recently qualified as a recognized party in Maryland after submitting petitions containing 10,000 signatures - that option for party registration was added to our form, we then printed quantities sufficient to re-stock all repositories with the updated forms. There are increased demands for Statewide VRAs as we supply local election boards, political groups and organizations conducting registration drives. Additionally, this form is used to supply Post Offices, social services offices, health departments, disability agencies, community colleges and marriage licensing bureaus.

Local election boards prepare and forward to SABEL monthly statistics of voter registration activity. (Mandated by Section 3-9A) SABEL compiles these statistics into a statewide report for distribution to interested parties. These reports include the number of new registrations, number of party affiliation changes and removals. Within those categories we are able to track the source of the new registration such as in-person, by mail, high school registration drives, etc. Additional category tracking is now required by the mandates of "Motor Voter" and have been incorporated into our monthly reports. The number of petition signatures necessary to run for office by independent and third party candidates are determined from these figures.

## Voter Registration

SABEL has established a clearinghouse at the MVA Glen Burnie Headquarters for processing, sorting and mailing of:

1. MVA Registrations
2. Cancellations of previous registration - out of state and Maryland jurisdiction to jurisdiction
3. Death notices - Bureau of Statistics report deaths in Maryland
4. Change of name & address forms
5. Criminal Convictions - Courts provide report of persons convicted on infamous crimes who must be removed from registration rolls.

## Voting Systems

SABEL is charged with reviewing, approving, certifying and decertifying voting systems and establishment of regulations governing that process (Section 1A-1).

Potential new voting system vendors make an appointment for review and bring their system into the office for a demonstration to the State Board Members and staff. SABEL policy requires that prior to certification, a system must have been tested to meet FEC standards by an accredited independent test authority approved by NASED - the National Association of State Election Directors. Other states currently using the system are polled.

Regulations governing the use of a particular system must be developed and approved by the SABEL Board. Once these factors are in place - notification is sent to the local election boards. A request for use of a system by a jurisdiction must be made in writing to the State Board. A schedule for public education and system demonstration must be developed by the local election board implementing a new system. (Attached you will find a current list of systems used in Maryland by jurisdiction.)

The Attorney General prepares Instructions for the Use of each voting system. These instructions are distributed to the local election boards for duplication and distribution to each polling place on election day.

## **Ballots**

Section 16-4 states that the form and arrangement of all ballots shall be prescribed by SABEL. To accomplish this task, SABEL utilizes an in-house computer system which links local election boards with SABEL for the transmission of candidacy and ballot related information.

A statewide polling place data base and a base containing all elective offices statewide are used to merge and sort this information. SABEL assigns ballot lever numbers and generates computer produced mock ballots and various listings. The mock ballots are used to fulfill the public display requirements and provide designated printers and voting machine custodians visual assistance with their necessary tasks.

Local election boards using computer voting systems must have their ballot layout approved by SABEL prior to printing. Copies of final printed material is maintained in the SABEL office files.

## **Absentee Ballots**

Prior to each election, SABEL prepares a set of uniform absentee ballot applications. These applications are approved by the Assistant Attorney General and then distributed for use to the local election boards.

The Attorney General prepares Instruction for Use of each absentee voting system. These instructions are included with each absentee ballot by the local election board.

## Legislation

SABEL monitors all election related legislation, including Constitutional Amendments and other questions required to be placed on the ballot.

SABEL staff analyzes the possible impact of the legislation, prepares fiscal estimates and testimony for committee hearings. Staff attend hearings and monitor the progress of each bill. A weekly status update is prepared and forwarded to the local election boards and counsel.

Departmental legislation targeted to facilitate the process is prepared and submitted to the Governor's Legislative Office each summer. Most recently we have attempted to make changes with two proposals, write-in candidate filing deadline change and the establishment of 100 ft. electioneering boundaries statewide, with no success.

## Miscellaneous

SABEL publishes a "How to Vote Brochure" prior to each election year. This brochure is distributed with voter registration applications and is a much requested information source. Various deadlines associated with that election are listed.

State filed candidate election results and statewide voter turn-out figures are produced and published following each election. Additionally, unofficial election night results have been collected at SABEL for statewide and congressional level candidates.

Article 33 is published every 2 years. This book is provided to local election boards and each polling place on election day. It is also offered for sale to interested parties. We have provided copies to each member of this committee for your convenience.

SABEL prepares uniform procedures for petition efforts such as Statewide Referendum, New Political Party establishment, Presidential Candidate Petitions, nomination by petition by independent or third party candidates, charter amendment and charter board.



## Local Boards

SABEL acts as Personnel, Retirement and Health Benefits coordinator for local election boards under the State Merit System. Uniform hiring, leave records, and disciplinary methods are supervised from this office. Standards are also assured for benefits and we currently prepare the payroll for 13 counties and as well as SABEL staff members.

The local election board employees are encouraged to contact SABEL for advice and assistance anytime. The State Administrator or other applicable staff members often attend local budgetary meetings, issue hearings, etc., to provide assistance in obtaining resources SABEL deems necessary to conduct elections and maintain their offices. Currently, SABEL is involved with Special County Commissioner election being held in Worcester County as well as the 1995 Baltimore City Elections.

TYPES OF VOTING SYSTEMS  
USED IN MARYLAND

COUNTY	POLLING PLACE VOTING	ABSENTEE VOTING
ALLEGANY	AVM	DATAVOTE
ANNE ARUNDEL	OPTECH III-P EAGLE	OPTECH III-P EAGLE
BALTIMORE CITY	AVM	AIS - 315
BALTIMORE COUNTY	OPTECH III-P EAGLE	OPTECH III-P EAGLE
CALVERT	AVM	OPTECH III-P EAGLE
CAROLINE	SHOUP	PAPER BALLOT
CARROLL	OPTECH III-P EAGLE	OPTECH III-P EAGLE
CECIL	SHOUP	PAPER BALLOT
CHARLES	OPTECH III-P EAGLE	OPTECH III-P EAGLE
DORCHESTER	AVM	PAPER BALLOT
FREDERICK	OPTECH III-P EAGLE	OPTECH III-P EAGLE
GARRETT	AVM	PAPER BALLOT
HARFORD	OPTECH III-P EAGLE	OPTECH III-P EAGLE
HOWARD	OPTECH II	OPTECH II
KENT	OPTECH III-P EAGLE	OPTECH III-P EAGLE
MONTGOMERY	DATAVOTE	DATAVOTE
PRINCE GEORGE'S	AVM	PUNCH CARD
QUEEN ANNE'S	SHOUP	PAPER BALLOT
ST. MARY'S	OPTECH III-P EAGLE	OPTECH III-P EAGLE
SOMERSET	SHOUP	PAPER BALLOT
TALBOT	SHOUP	PAPER BALLOT
WASHINGTON	OPTECH III-P EAGLE	OPTECH III-P EAGLE
WICOMICO	OPTECH III-P EAGLE	OPTECH III-P EAGLE
WORCESTER	OPTECH III-P EAGLE	OPTECH III-P EAGLE

AVM - Automatic Voting Machines

DATAVOTE - Punch Card Ballot - Central Count

OPTECH II - Marksense Ballot Card - Precinct Count

OPTECH III-P EAGLE - Marksense Ballot Card - Precinct Count

Optech IV-C Marksense Ballot Card Absentee Only - Central Count

AIS - 315 - Marksense Ballot Card - Central Count

Global Election System-2000- Precinct Count





# MARYLAND REPUBLICAN PARTY

Joyce Lyons Terhes  
Chairman

TESTIMONY OF CHRISTOPHER R. WEST,  
EXECUTIVE DIRECTOR AND GENERAL COUNSEL  
OF THE MARYLAND REPUBLICAN PARTY,  
BEFORE THE GOVERNOR'S TASK FORCE  
TO REVIEW MARYLAND'S ELECTION LAWS  
September 28, 1995

Mr. Chairman and Members of the Task Force,

At the outset, permit me to congratulate each of you on your appointments. The job of your Task Force is an extremely important one and not an easy one. As a person who has spent a lot of time over the past fifteen years working with Maryland's election laws, I can tell you that they are frequently not entirely clear. In agreeing to try to come to terms with the election laws over just a few months in order to submit a finished report to the Governor and General Assembly by the end of this year, you have embarked on a daunting task. To the extent that you would like to call upon the resources of the Maryland Republican Party at any time for assistance, please do not hesitate to contact us.

The goal of the Maryland Republican Party can be summarized very succinctly. We want to make sure that every single person in Maryland who is entitled to vote has the opportunity to vote, and we want to ensure that no election fraud or irregularities occur which would dilute the potency of those votes which are properly cast. In order to accomplish this result, we believe that three principles are paramount, and we urge the Task Force to adopt them as its guides as it composes its report.

First, the election system must be designed and must operate in such a way as to preclude its perversion by fraudulent acts. In 1994, after various allegations were made of fraudulent conduct, the official response was not that fraud could not have occurred. Indeed, as the August, 1995 Report of the Special Prosecutor pointed out, there were a large number of irregularities and several acts of fraud that the Special Prosecutor was able to establish in connection with the 1994 general election in Baltimore City. The most distressing aspect of the Special Prosecutor's Report, however, was the number of times that the Special Prosecutor implicitly acknowledged that fraud could have occurred but merely stated that he was unable to establish evidence that there was a conspiracy to commit fraud. Several of our recommendations are based on the findings of the Special Prosecutor and propose statutory reforms in order to deter fraud.

Second, all elements of the election system must be open to public view saving only the individual act of voting itself, which occurs behind closed curtains. We make several recommendations that the few elements of the election process which currently occur behind the

scenes be opened to public observation.

Third, the minority party must be accorded its full rights to participate in the control of the election system. This principle cannot be overemphasized. Acts by the majority party which make it difficult or impossible for the minority party to share in the control of the process inevitably engender feelings of distrust and suspicion which lead to a loss of faith in the fairness and impartiality of the entire election. Years of Republican frustration at being shut out of the process spilled over following the 1994 general election. Much of the acrimony and recrimination was so unnecessary and could have been avoided if the legitimate rights of the minority party had only been respected during the preceding years. A number of our recommendations focus on including the minority party as a full partner in the election process, not an impotent bystander.

The Maryland Republican Party earnestly requests the Task Force to consider reforming Maryland's election laws in a number of important respects. I will discuss each reform that we are proposing in the order it is found in the Election Code.

1. Section 1A-1(a) of the Election Code provides that the Governor is to appoint five members of SABEL. The statute places no constraints on the Governor's appointive prerogatives other than to require that two of the five members must be of the minority party. Recent Democrat governors have made it a practice to appoint the Republican members of SABEL without making the least effort to consult with the Maryland Republican Party. Not only are such appointments a calculated slap in the face of Maryland Republicans, but they have critically weakened the confidence of Maryland Republicans in the fair and impartial administration of the state's election laws.

The recent Glendening appointments are a case in point. In light of the bitter residue of dark suspicion by supporters of Ellen Sauerbrey following the 1994 election, one would have thought that Governor Glendening would have gone to great lengths to reassure Maryland Republicans that the election system henceforth would be run in a completely fair and impartial manner. Unfortunately, Governor Glendening ignored efforts by the Maryland Republican Party to give him our input on these appointments. Instead, the Governor's office contacted Republican State Senator Jack Cade, rejected the initial two names that he supplied, and then demanded that two new names be supplied immediately. When Senator Cade complied with this ultimatum, the Governor discarded one of Senator Cade's choices and, with no further contact at all, appointed a person of the Governor's own choosing.

The consternation caused among Maryland Republicans by the Governor's conduct has been substantial. Especially in light of last fall's problems, there are a lot of Republicans across Maryland convinced that the Governor is determined to have a docile SABEL which will not take the necessary steps to eliminate irregularities and fraud in future elections. The Maryland Republican Party feels that it is essential to eliminate this rancorous perception.

A model for solving the minority appointment problems created by Section 1A-1(a) can be found in Section 2-1(i) of the Election Code. Section 2-1(i) provides for the appointment by the Governor of the various county boards of supervisors of elections. At the county level, the Governor is required to request the county central committees representing the minority party to submit the names of at least four persons eligible for the appointments. The Governor then must appoint one of the persons on the list to be a member of the local board. In the unlikely event that the Governor finds all of the names submitted to be unfit or incompetent, he may require the county central committee to submit a new list. At the state level, the Governor should be required to request the state central committee representing the minority party for the names of at least four persons eligible for the appointments to SABEL. The Governor then should be required to appoint two of the persons on the list to SABEL. As in the case of the county appointments, in the event that the Governor were to find that there were fewer than two persons on the list who were fit and competent, he would have the right to require the state central committee for the minority party to submit a new list.

2. Section 1A-1(b) of the Election Code provides that the Governor shall appoint the Administrator of Election Laws for a six-year term. It is difficult to comprehend the rationale behind the six-year term provision. Logic suggests that the performance of the Administrator should be assessed quadrennially following the gubernatorial election. Logic also suggests that a new Governor should not be constrained to live with an Administrator appointed by his predecessor. Depending on when a particular Administrator was appointed, it is conceivable that a Governor would serve a complete four-year term without ever having an opportunity to appoint an Administrator to carry out any reforms that the Governor might consider necessary. It is also possible to imagine an Administrator's term ending in the middle of the gubernatorial election year, thereby setting up a situation which could lead to confusion and disruption as a newly-appointed Administrator took over. It would be preferable to change the Administrator's term to a four-year term and to specify that it would commence on July 1 in the year following the gubernatorial election and terminate on June 30 four years later.

3. It is important to ensure that the minority party have confidence that the daily operations of each county board of elections will be conducted in a scrupulously impartial manner. Toward this end, Section 3-10 of the Election Code provides for the appointment of two registrars in each county. The minority member of the county election board is charged with the duty of appointing one of the two registrars. Unfortunately, the clear direction provided by Section 3-10 is compromised by Section 2-6(c) of the Code, which states that the board of elections may appoint registrars subject to the rules and regulations of the county merit system or subject to the provisions of the State Personnel Article governing classified service employees.

As a result of the ambiguity caused by these confusing Code sections, a situation recently occurred in Calvert County in which the Republican member of the Election Board was told by the Board's legal advisor that he had no choice but to appoint as the Republican registrar a person who had switched her registration from Democrat to Republican just several weeks earlier. When the Calvert County Republican Party found out that the person who is supposed to

look out for their interests at the county election board is someone whom they know to be a Democrat masquerading as a Republican, they became incensed. They became even angrier when the Board's legal advisor pointed out that Section 2-6(c) of the Code provides that the removal of the registrar is to be governed by the county merit system or the state regulations governing classified service employees. Calvert County Republicans are livid to learn that the Republican registrar in Calvert County, a person in whom they have no confidence, may be entitled to retain her position for decades over their opposition.

The Maryland Republican Party believes that, in each county, the minority party should be able to look to at least one person answerable to the minority party working at the local election board. Otherwise the majority party members of the election board would be able to make sure that all of the employees of the board are members of the majority party. In order to protect the rights of the minority party, Section 2-6 of the Election Code should be amended to remove the position of registrar from the list of employee positions covered by the rules and regulations of the county merit system or the provisions of the State Personnel Article governing classified service employees.

4. Section 2-7(a) of the Election Code provides that each local election board is responsible for appointing for each precinct not fewer than two election judges of the minority party. Section 2-7(b) sets forth various qualifications for persons appointed election judges. One salient qualification contained in the statute is that a judge must be a registered voter residing in the county or Baltimore City in which the precinct is located. In 1994, Baltimore City had 408 precincts. In 1995, the Baltimore City Election Board combined various precincts in the 27th Ward, but the City still has over 370 precincts. In order to fully staff these precincts with Republican judges, at least 740 registered Republicans in Baltimore City are required. In fact, many of the City precincts have more than four judges, and because an equal number of judges must be selected from each party, 1104 registered Republicans in Baltimore City are needed in order to fill all of the judgeship openings.

Because only 38,000 votes were cast for Ellen Sauerbrey last year in Baltimore City in the General Election, this means that about one out of every 34 Republican voters in Baltimore City must be recruited to be an election judge and must thereby agree to spend from 6:30 a.m. until about 9:15 p.m. at the polls on both Primary Day and General Election Day. The situation is even worse in primary elections. This year, nearly one out of every 7 voters in the Republican mayoral primary in Baltimore City was an election judge! The recruitment of this many Republican election judges in Baltimore City is exceedingly difficult. The slender Republican Party is overwhelmed. This year, advertisements were placed in local newspapers entreating Republicans to serve as election judges. In years past, staffers at the Baltimore City Board of Elections desperately appointed any registered Republicans they could find to plug the enormous gaps. Unfortunately, all too frequently, the Republicans who have been appointed have been Republicans in name only - people who have changed their registration to Republican not because they believe in the party or its candidates but because they want to earn the \$100 per day salary that is paid to each election judge.

This is a critical problem because a salient premise of the Election Code is that representatives of both parties will be present at all times at each polling place on Election Day. The Election Code makes it a criminal offense for a judge to absent himself or herself from the polls, and the Election Code provides that a polling place cannot open its doors until at least one judge from each party is present. The inability of the Republican Party to ensure that bona fide Republicans are serving as election judges in the 370 precincts in Baltimore City creates the conditions in which rumors of impropriety and election fraud are able to flourish. Following the 1994 General Election, representatives of Ellen Sauerbrey contacted Republican election judges from some of the Baltimore City precincts where fraud was suspected and received absolutely no cooperation. The Republican judges refused to talk to the representatives of the Republican candidate for Governor! Dark suspicions about what happened in these precincts festered and grew and are in no small part responsible for the continuing controversy about the 1994 General Election.

There are two measures which could solve this problem. First, the consolidation of the precincts in Baltimore City which began with the 27th Ward in 1995 should be extended to all of the other wards as well. In 1994, the average Baltimore City precinct had 384 voters arrive to vote. The average Baltimore County precinct had about 1300 voters arrive to vote. If the number of precincts in Baltimore City were to be cut in half from 370 precincts to 185 precincts, the average City precinct would still accommodate far fewer voters than the average County precinct, and the cost of conducting elections in the City would be considerably reduced. If the number of precincts in Baltimore City were to be cut in half, the burden on the Baltimore City Republican Party to assign bona fide Republican judges in each precinct would be more manageable. Unfortunately, the number of precincts in Baltimore City is set by the City Election Board, not by state statute, and so, absent a relief mechanism incorporated in the Election Code, there will be no assurance that the number of precincts in Baltimore will be reduced to a number which will enable the Baltimore City Republican Party to staff each precinct with bona fide Republican judges.

In order to give the Republican Party every latitude in recruiting genuine Republicans to serve as election judges, Section 2-7(b) of the Election Code should be amended to provide that, upon notification to a board of supervisors of elections by the central committee of a particular county or Baltimore City that an insufficient number of persons residing in such county or Baltimore City can be found who are both qualified and acceptable to such central committee to serve as judges of election, and upon submission to such board by such central committee of the names of registered voters residing outside of such county or Baltimore City, such board may appoint as election judges such persons registered outside the county or Baltimore City. It is unlikely that any political party would abuse this prerogative because of the difficulty in persuading registered voters in one county to travel to another county on election day in order to serve as election judges in a distant county.

5. Section 2-7(g) of the Election Code states that each county election board shall give a course of instruction to the judges of elections appointed in such county. The State Prosecutor's



Report on the 1994 General Election goes into great detail about the innumerable mistakes made by the Baltimore City election judges last year. See pages 43, 46, 47, 50, 53, 54, and 68. The Report makes it clear, for example, that the information about votes cast by deceased persons which Ellen Sauerbrey relied on, in part, as supporting her allegations of election fraud was the product of incorrect entries in the Precinct Binder books by election judges. Because there were at least 73 such incorrect entries, the Sauerbrey assertion about lots of dead people voting generated big headlines and hurt the public image of the state. If the Baltimore City election judges had been better trained and had not made such a large number of mistakes, the embarrassing headlines would never have appeared. The Report of the State Prosecutor makes it painfully apparent that the training of election judges in Baltimore City is terribly inadequate. The situation was so serious that the State Prosecutor characterized it as "a breakdown in the level of security which makes it more difficult to detect if tampering has, in fact, occurred." See page 54.

According to the Report of the State Prosecutor, there were numerous other respects in which the Baltimore City Election Administrator and her staff failed to competently discharge their responsibilities. Three of these derelictions were particularly egregious. Despite Section 3-4(c) of the Election Code, which disqualifies persons convicted of theft or other infamous crimes from being registered to vote, the Baltimore City Election Administrator failed to purge such persons from its registration lists, and the State Prosecutor found that 84 such persons actually voted in the general election in 1994. See page 71. Despite Section 3-20 of the Election Code which required (until January 1, 1995) an annual purge of registered voters who had not voted at least once in any election within the preceding five years, the Baltimore City Election Administrator failed to conduct such a purge, and 1816 persons who should have been purged from the voting rolls actually voted in the general election in 1994. See page 75. Despite Section 16B-2 of the Election Code which provides that SABEL shall approve and certify voting systems to assure the security of the voting process, in Baltimore City, the decision was made to install key boxes in each voting machine without consulting SABEL or securing its approval. According to the Report of the State Prosecutor, the key boxes in 400 voting machines in Baltimore City on Election Day in November, 1994 contained the critical "O" key which unlocks the election counters and permits the possessor of the "O" key to reset the counters. It appears that all of the key boxes are controlled by a single master key. Therefore, anyone possessing a copy of the master key could have gained access to the "O" key controlling 400 Baltimore City voting machines.

Section 1A-1(e) of the Election Code charges SABEL with the responsibility of exercising supervision over the conduct of elections in the State. The Election Code currently contains no "teeth" which would enable SABEL to take any actions necessary to ensure that the local election boards comply with the law. In view of the numerous and substantial derelictions by the Baltimore City Elections Administrator in 1994, the Maryland Republican Party urges the Task Force to recommend the enactment of legislation giving SABEL the power to guaranty to the voters of Maryland that the state's election laws will be rigorously and uniformly observed in each political jurisdiction in the state. First, the Election Code should be amended to require

SABEL to hire two investigators (one appointed by the majority party members of SABEL and one appointed by the minority party members of SABEL) to constantly monitor compliance with the election laws by the local boards. Second, the Election Code should be amended to give SABEL the right to take over the operation of a local election board if SABEL should become convinced that the local board is failing to strictly adhere to the election laws; SABEL's control would continue until the problems have been corrected.

6. The National Voter Registration Act of 1993 (the "NVRA") is likely to cause very substantial problems as the years pass. Its essential thrust is to eliminate all obstacles to registration and to block efforts to de-register people who have once been registered. Inevitably, the federal statute will lead to an immense number of new registrants who have never appeared in person before any registration authorities. Because registering to vote after the enactment of NVRA is nearly effortless, it is inevitable that an enormous number of people who have no real interest in participating in the elective process will register. A significant percentage of the new registrants will never vote. The NVRA will substantially deter any effort to clean up the election records to expunge people who have died or moved away or who never vote. There are predictions from some quarters that within several years, some jurisdictions, especially those which are losing population and in which the population is quite mobile, the number of people registered to vote will exceed the voting age population. As a result of all these factors, the potential for election fraud will increase.

As a result of the NVRA, it will be extremely easy for unscrupulous people to use the registration by mail program, which does not require a personal appearance or even notarization, to register thousands of nonexistent voters. Further, the same unscrupulous people will easily be able to identify thousands of registered voters who never vote but whose names can no longer be purged from the system. A properly-functioning election system must make certain that fraudulent votes cannot be cast on behalf of nonexistent people or on behalf of people who do not vote themselves. The Maryland Republican Party feels that certain modifications of the election laws are essential in this regard.

(a) The Election Code should be amended in one respect to prevent fraud in the registration process. Consistent with the NVRA, Section 3-2 of the Election Code (as amended effective January 1, 1995) states that an election board shall notify each mail voter registration applicant of the disposition of the application, and if such notice is sent by nonforwardable mail and is returned, the Board may remove a voter's name from the voter roll in accordance with Section 3-17A of the Election Code. As currently written, each election board has the option to elect whether or not to send the notices by nonforwardable mail. The election boards should be required to send the notices by nonforwardable mail. Because mail registration applications are sent in by people who do not appear personally before a registrar, and because mail applications do not even need to be notarized, sending the notices back by nonforwardable mail will ensure that anyone registering to vote has at least supplied the election board with a valid mailing address. Conversely, anyone registering to vote with an invalid or nonexistent mailing address would be flagged at the outset.

(b) Section 15-4 of the Election Code currently provides inadequate controls to ensure that a person who presents himself or herself at a polling place is actually the person registered to vote. During the 1994 General Election, all across the state, people arrived to vote and were merely required to give their names and scribble indecipherable signatures on computer-generated voter authority cards. Absolutely no identification was required. No questions were asked to determine if the persons arriving to vote were indeed the persons registered to vote. This situation led to countless reports and rumors following the 1994 general election that organized fraud had been perpetrated by having people vote numerous times using the names of different voters. The mere fact that such reports arose and that the current operation of the election system enables such conduct to occur creates an appearance of impropriety which should not be allowed to persist. In light of the recent elimination of virtually all controls over registration, it is absolutely essential that the election laws be amended to ensure that the person who presents himself or herself to vote is the person who is registered to vote.

Our information is that only five states in the country do not currently require people to show identification before being allowed to vote. Maryland is one of the five. This policy must be changed. There are various ways that identification could be required. The best way would be to issue a photo identification card to each registered voter to serve as that voter's voting registration card. Unfortunately, the NVRA does not appear to permit registration to be conditioned on a personal visit to a state government location so that a photo identification card can be generated. In light of this fact, it is the recommendation of the Maryland Republican Party that the Election Code be amended to require each person arriving to vote to present: (1) a current Maryland drivers license containing a photograph, (2) some other identification issued by a governmental authority containing a photograph, or (3) some other identification (such as the person's voter authority card) containing at least the person's name and date of birth. The Election Code already provides at Section 3-5A that a person seeking to be registered to vote may be required by the local board to submit satisfactory evidence of proof of his date of birth. Furthermore, Section 15-4 of the Election Code provides that a person offering to vote may be required to state the month and day of the applicant's birth. Unfortunately, as currently written, Section 15-4 is ambiguous, and as a result, most voters currently are permitted to vote without presenting any identification. Section 15-4 should be amended to require such identification prior to voting.

Nothing would dispel the clouds of doubt and suspicion hanging over Maryland's election system better than to ensure that there are bona fide Republican judges in each precinct and to ensure that each person arriving to vote is truly who the person purports to be.

(c) Consistent with a new requirement that each voter present identification prior to voting, Section 15-3 of the Election Code should be amended to provide that challengers be permitted to sit near the judges in a position to see and hear each person as the voter offers to vote. Only if a challenger is able to hear any dialogue between the election judges and a prospective voter about the identity of the voter will the challenger be in a position to challenge the identity of a voter. In this regard, Section 16-14 of the Election Code should be amended to

explicitly recognize the right of a challenger to challenge the identity of a voter, and it should further be amended to require a record to be made of any challenges so that a later investigation can be made, if the situation warrants.

(d) Section 3-17A(b)(1) of the Election Code provides that each election board shall periodically make a reasonable effort to remove persons from the voter rolls who have become ineligible by reason of a change of address. Section 3-17A(b)(5)(I) further provides that, if it appears from information provided by the postal service that a registrant has moved to a different residence not within the same registrar's jurisdiction, the election board shall start the lengthy process which may, over several years, result in the removal of the registrant from the voter rolls. The problem is that the Code does not contain any directives mandating specific steps designed to ascertain which voters have moved to new addresses, and until this basic information has been procured "from information provided by the postal service", the process of removal cannot start. At the very least, the Code should direct the election boards each year to cull out those voters who have not voted within the five preceding calendar years and to send those voters letters by nonforwardable mail asking them to verify that they still live at the address contained in the official registration records. Failure to vote for five preceding calendar years (encompassing a minimum of four elections, two primary elections and two general elections) suggests that the voter may have died or moved away. Such inquiry letters might be returned as nonforwardable, thus providing the necessary "information provided by the postal service". Alternatively, the inquiry letters might generate requests that the voters be re-registered at their new addresses. Of course, some of the inquiry letters would produce no response at all or a confirmation that the voters still reside at the addresses contained in the registration records, and in those cases, no further action would be necessary by the election boards. It is important that these steps be taken, or else, with each passing year, the voter rolls will contain the names of more and more people who have died or moved away but whose names never come to the attention of the election boards in a way which would permit the boards to initiate the removal process. The more people who die or move away but whose names clutter the voter rolls, the greater the possibility of fraudulent voting.

7. The Task Force should also concern itself with several serious problems relating to absentee ballots.

(a) Section 27-4 requires applications for absentee ballots to contain an affidavit under penalty of perjury but does not otherwise set forth the minimum specific information about the applicant which must be included in the absentee ballot application. In 1994, many election boards accepted requests for absentee ballots which neither contained the required affidavit nor any other personal information about the applicant. Other election boards complied with the law and refused to mail out absentee ballots until applicants filed the statutorily-prescribed affidavit. Shortly after the General Election, litigation either was filed or threatened in county after county because of the failure of the election boards in those counties to follow the law relating to absentee ballots. It is essential to provide for uniformity in the treatment of absentee ballots across the state. The best way to solve this problem would be: (1) to require SABEL to adopt a

single form (containing the required affidavit) which must be used to apply for an absentee ballot, and for the Election Code to be amended to require that the SABEL form be used by each election board; and (2) to amend the Election Code, as recommended above, to give SABEL the power to take over local election boards that persist in disregarding the election laws.

→ (b) The NVRA contains a provision at 42 U.S.C. Section 1973gg-4(c), which authorizes the states by law to require a person to vote in person if the person was registered to vote by mail and the person has not previously voted in that jurisdiction. When the General Assembly amended the Election Code to conform Maryland law to the NVRA, such a requirement was not incorporated in the Election Code. Such a requirement should be added now. Thanks to the new federal statute, enormous numbers of people will become registered voters who have never presented themselves in person. Indeed, extrapolating from statistics compiled by Henry Marshall of Clarksville, Maryland, it is possible that several hundred thousand new voters will register by mail in Maryland over the next five years. In light of the fact that a fraudulent mailed-in voter registration application containing no notarization is as easy as a 32¢ stamp, it is imperative that the absentee voting laws be amended to require that a person who has registered by mail must vote in person in that person's first election. In order not to preclude people from voting who are entitled to vote, however, several exceptions should be made to this requirement. First, in lieu of voting in person in their first election after registering by mail, people should be permitted to appear in person at their local board of elections in order to apply for and vote by absentee ballot. Second, the exceptions contained in 42 U.S.C. Section 1973gg-4(c)(2) should be adopted. Finally, anyone who has registered by mail and who can neither vote in person at his or her first election nor appear in person at the board of elections to apply for and vote by absentee ballot, should be permitted to avail himself or herself of the emergency absentee ballot provisions contained in Section 27-2 of the Election Code.

(c) It is even more important that positive identification of an absentee voter be required than of a voter who goes to the polls in order to vote. A person who goes to the polls to impersonate another voter in order to cast a fraudulent ballot runs the risk of being arrested, convicted and imprisoned for election fraud if he is caught. A person trying to cast an absentee ballot on behalf of another voter, by contrast, never appears in person and will be far less concerned about being caught. The SABEL-prescribed form of "ballot envelope" (the envelope in which the absentee ballot is placed) already contains a "Certification" to be filled out by the voter. The Election Code should be amended to require SABEL to also include a notarization paragraph on the ballot envelope stating that, based on an examination of a photo identification or other identification containing the person's name, address and date of birth, the notary is satisfied that proper person has signed the "Certification".

8. The Report of the State Prosecutor addresses the serious problem of control of the keys to the Baltimore City voting machines. In the first place, as pointed out by the State Prosecutor, Section 16-11(a) of the Election Code currently is written in such a way as to literally require that each of the election judges be given all of the keys to the machines in that judge's precinct. If this statute were followed as written, each election judge in each precinct across the

state would have the ability to gain access to the machine counters. The integrity of the election system would be fundamentally compromised. Fortunately, it appears that the election boards have not been following the literal dictates of Section 16-11(a). Clearly, this section needs to be amended in order to conform the statute to whatever practice is adopted which will guaranty the security of the election system.

Instead of following the Election Code, the Baltimore City Election Board used to give the critical "O" and "4" keys to the policemen who used to be assigned to each precinct. In those days, in order to gain access to the machine counters, a person would have to get the "2" and "3" keys from one of the election judges and the "0" and "4" keys from the policeman. This was viewed as a sufficient measure of protection.

In order to save costs, several years ago, the policemen were relieved of the responsibility of standing guard at each precinct in Baltimore City all day. The new lock box system was then initiated by the Baltimore City Election Board without the approval of SABEL. Lock boxes were installed in all of the machines. Purportedly, the lock boxes were only intended to contain the "4" keys, but in fact in the 1994 general election, 400 of the lock boxes contained the critical "0" key which controls access to the machine counters.

We have a hard time understanding the need for the lock boxes at all. Their rationale was to facilitate repair of the machines. When a machine breaks, however, a call is made to the central machine warehouse, and a repairman is dispatched to the precinct carrying a master key to the lock box. Inasmuch as a repairman must travel from the warehouse to the precinct anyway, we cannot understand why the "0" key and the "4" key to each machine are not kept permanently at the warehouse instead of inside lock boxes scattered throughout 370 precincts, all of which are accessible by someone possessing a copy of the master key. From our reading of the Report of the State Prosecutor, it seems to us that the security of the election system in Baltimore City was seriously compromised in 1994. While we have no specific solution to this problem, we do urge the Task Force to recommend that SABEL conduct a thorough study of the security of each of the election systems used in the State of Maryland. SABEL should engage two experts to conduct the study and make recommendations which would ensure the integrity of the election process. The majority members of SABEL should select one of the experts, and the minority members of SABEL should select the other expert. Once SABEL acts on the report of the experts to ensure the security of the election systems, the Election Code should be updated to reflect the security measures which have been adopted.

In any event, the fact that employees of the board of elections occasionally gain access to the election machines on election day in such a fashion as to enable them to manipulate the machine counters is important. The activities of the warehouse repairmen on election day are not currently the subject of public attention. We recommend that the Election Code be amended to permit each central committee for a county to assign one representative to be present at the warehouse on election day to listen to the repair calls as they come in. The party representatives would then have the option of making calls to the party's official "challengers" to let them know

the locations of the precincts to which repairmen have been dispatched. This would enable the party to have a challenger present at a precinct to observe a repairman while he has the back of the machine open and is in a position to change the machine counters.

9. On two occasions during the last two months, the State Prosecutor has opined that Election Board Administrators who fail to discharge the responsibilities of their offices cannot be prosecuted for the common law crime of misconduct in office. In each case, the State Prosecutor's opinion was based on his conclusion that an Election Board Administrator is not a "public officer" under Maryland law. It is disconcerting to learn that, while virtually everyone else involved in the election process is subject to being prosecuted for failing to act properly, the Administrators, who are the very linchpins of the election system, are immune from prosecution. The Maryland Republican Party therefore urges the Task Force to recommend legislation which would subject the Election Board Administrators to criminal penalties if they should wilfully fail to discharge the duties assigned to them by their local Boards of Elections.

We realize that we have provided the Task Force with quite a lengthy laundry list of recommended reforms, but in light of the monumental investigation performed by the State Prosecutor as well as the recent implementation of the NVRA, there are quite a few issues that need to be critically assessed. The Maryland Republican Party is confident that if our recommendations are adopted by the Task Force and later by the General Assembly, Maryland will approach the millennium with an election system that will deserve and gain the respect of all persons committed to the fundamental integrity of the elective process.



## *Maryland Democratic Party*

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September 28, 1995

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Dear George:

As Chairman of the Maryland Democratic Party, I am pleased to take this opportunity to share my thoughts and the position of the Maryland Democratic Party with you and the members of the Task Force to Review the State's Election Laws. As you undertake your review of the processes and procedures upon which we rely to safeguard the integrity of the electoral process in our state, I hope you will take these comments under consideration.

I have spent the better part of my professional career in service to the people of Maryland, including having had the privilege to serve two terms as Governor of this great state. During my forty years in public life, I have witnessed many close and hotly contested elections. I am also familiar with the controversies and heated passions that accompany close elections, together with the frustrations generated within the camps of unsuccessful candidates and their supporters.

The disappointment generated by a losing campaign effort is understandable. Many citizens give tirelessly of their time and emotions in attempting to convey the message of their candidate. In the case of the November 1994 gubernatorial election in Maryland, those who were disappointed with the results of the election leveled a series of sweeping charges of voting fraud: charges which have been exhaustively investigated and conclusively disproved. As responsible, mature political leaders and citizens of this State, we cannot afford to allow frustration over the outcome of any particular election to form the basis for wholesale revisions to our election laws. Such a knee-jerk reaction would be counter-productive and clearly is not warranted by the facts.



This year our state has become the subject of unprecedented charges of election fraud. These allegations, unsupported as they have now proven to be, have caused Maryland citizens to question the processes and procedures employed by election officials in the conduct of elections. Yet, after an exhaustive review, it has become clear that the results of the Gubernatorial election in 1994 were, without question, fair and valid.

Never in my memory has any election been the subject of such intense and thorough scrutiny, including investigations by the State Prosecutor, the Attorney General for our State, and the United States Attorney. The people of Maryland should take comfort in the fact that last year's election, having been placed under a veritable microscope, withstood all the questions and the scrutiny, and passed with flying colors. Given the ability to call witnesses and employ all of the powers vested in our courts to substantiate their allegations, those challenging the outcome of the election could not produce any evidence that a single incident of voter fraud occurred anywhere in the State. After a very public week-long trial, initiated by the Republican challenger, the judgement and verdict of the case, which has not been appealed, revealed the total absence of evidence of voter fraud. The most compelling summary of the court's opinion in this matter can be found in the published reports which came out of these investigations: "There is simply no evidence of any systematic omissions or a pattern of misconduct throughout the state." (Judge Raymond G. Theime, Jr. Anne Arundel Circuit Court, January 13, 1995, page 8). The findings of the State Prosecutor are similarly noteworthy. On page 118 of his report on the 1994 elections it is stated:

"In all of our interviews and reviews of documents, as well as those of the federal agents, there is not a single person whom we can identify as a witness who can give evidence of personal knowledge or observation that a conspiracy existed" (Report of Allegations and Findings Concerning the 1994 General Election, Stephen Montanarelli, Office of the State Prosecutor, August 1995, Page 118).

Continuing on Page 119, he states:

"There comes a time in a criminal investigation when prosecutors and investigators must admit that the evidence does not prove criminal conduct and that further investigatory efforts are not likely to yield sufficient evidence. We and the federal authorities have reached that point in the investigation of the 1994 General Election. We hope that our report will bring some form of closure to this contentious event" (Report on Allegations and Findings Concerning the 1994 General Election, Stephen Montanarelli, Office of the State Prosecutor, August 1995, Page 119).

The 1994 general election was more thoroughly reviewed than any other statewide election in Maryland history, and the findings of the FBI, the State Prosecutor, Judge

Theime of the Anne Arundel Circuit Court and the Office of the Attorney General have consistently concluded that there is not a single person who can give evidence of personal knowledge or observation that any type of conspiracy existed to alter the outcome of the election. Those who would perpetuate a coordinated campaign of rumor and innuendo against the local boards of elections and the individuals who administer the election process, are not serving any useful purpose in reforming the electoral system, particularly in light of the level of scrutiny which this election has received. To continue to respond to groundless, reckless charges unsupported in fact or law, only serves to undermine the people's faith in the electoral process and contribute to a sense of cynicism that threatens the building blocks of our participatory democracy.

There have always been close elections in our state, however, close elections are not, by definition, unfair or "tainted" elections. Indeed, there have been a number of elections in our recent history, in Maryland and across the country, decided by far fewer than the 5,993 votes that separated Governor Parris N. Glendening from his opponent in the November, 1994 election. For example, the 1994 Alaska gubernatorial race was decided by a mere 339-vote margin. The results of the Alaska race were certified after review. In Maryland, the 1994 Democratic Primary election in Caroline County for the office of Register of Wills was decided by a single vote; Congressman Kweisi Mfume won his first councilmanic primary race by only 3 votes in 1979; and Congressman Parren Mitchell won the 1970 congressional primary election by only 38 votes. Even in the 1994 general election, the gubernatorial contest was not the only close election. Four members of the House of Delegates were elected by margins ranging from 20 to 91 votes, with numerous other legislative and local races being decided by narrow margins. In our history there even have been instances of tie votes in Maryland legislative and local elections. In all of these cases, the election results were certified after review.

In the aftermath of the 1994 Maryland gubernatorial race, only three jurisdictions were subjected to judicial scrutiny; Baltimore City, Montgomery County, and Prince George's County. Not coincidentally, all of these jurisdictions happen to have voted overwhelming for the winning Democratic gubernatorial candidate. In all three jurisdictions, Republican charges of massive voter fraud were found to be completely without merit.

It is worth noting that administrative departures were identified in a number of Maryland jurisdictions. In fact, Baltimore County was the last jurisdiction to report all of its election results due to problems which apparently arose from a simple, yet understandable human error in the handling of forms used for absentee balloting. In Baltimore County and other jurisdictions where a majority of the voters favored the Republican gubernatorial candidate, similar problems in the election process existed. Because the majority in these jurisdictions favored the Republican candidate, these problems never received the same level of attention as the Montgomery County, Prince George's County, and Baltimore City results.

In Baltimore County, as in Montgomery County, Prince George's County and Baltimore City, there was no evidence that the administrative problems that were found in any way impaired the results or affected the purity of the election. Accordingly, neither the Maryland Democratic Party, nor any of its candidates who lost in Baltimore County and elsewhere, made any attempt to arouse skepticism among voters regarding the outcome of the election, or make allegations of fraud which were not supported by facts. In the future, we hope all parties adhere to the same responsible code of conduct and resist the temptation to play on public cynicism with unsubstantiated charges of voter fraud for the benefit of a particular candidate's future aspirations.

The Baltimore City election results were the subject of the most intense scrutiny, in part, because of the particularly labor-intensive methods used to tabulate election results; and, in part, due to the controversy over the failure of the local election board to conduct a purge of the voter file in 1994. It should be noted that the "purge" issue was extensively examined and the findings of the court were clear. Regarding the 1,816 votes that were alleged to be ineligible, Judge Raymond G. Theime, Jr. ruled that: "There is no evidence that the individuals are not qualified voters under Article 33 Subsection-34" (Opinion of Judge Raymond G. Theime, Jr., page 7). Again, the findings of the State Prosecutor were equally clear and compelling: "Based on all three of our audits, we have concluded that there is no evidence to support the complainants' allegations that there was a significant irregularity in the final vote count in Baltimore City during the 1994 General Election" (Report of Allegations and Findings concerning the 1994 General Election, Stephen Montanarelli, Office of the State Prosecutor, August 1995, Page 53). Allegations of widespread scandal in Montgomery and Prince George's Counties, when challenged and examined, literally evaporated to less than a handful of alleged cases involving ineligible voters, none of which were substantiated in court.

While close elections naturally generate considerable controversy, it is our hope that this Task Force will transcend partisanship and examine all Maryland jurisdictions on an equal basis, in order to best determine what further steps are needed to safeguard the integrity of the process in future elections. Close elections are the natural result of a free and open electoral process. There have been many close elections in Maryland and there will be many more close elections in the future. In this case, we have an opportunity to redirect that controversy in a more positive direction, by conducting a thorough review of our electoral procedures to insure that the public's faith in our elections is preserved and strengthened. The Maryland Democratic Party welcomes such a review, and we encourage this Task Force to explore a number of changes in our election procedures to reestablish the people's faith in the integrity of our elections.

Conducting a statewide election is a tremendous endeavor: the last general election involved one and a half million Maryland citizens going to the polls between 7:00 a.m. and 8:00 p.m., millions of ballots, thousands of voting machines, overseen by tens of thousands of volunteers and workers. That human error will occur when so many people are set in motion on a single day is to be expected. Clearly, any

orchestrated attempt to manipulate the results on election day for the benefit of a particular candidate cannot be accepted or tolerated. The question is, how do we minimize the level of human error and its impact, real or imagined, on the outcome of an election? The Maryland Democratic Party recommends the following steps for your consideration:

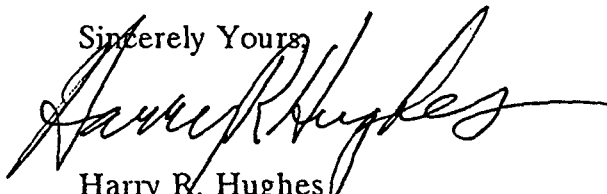
1. First, we recommend implementation of improved and standardized training of all election officials -- including full-time civil servants, election judges, and temporary employees. Many of the administrative problems that occurred in each of Maryland's twenty-four jurisdictions could have been avoided with more in-depth and comprehensive training. Judges and administrators must be intimately aware of the letter and the spirit of the law. A system of clearly written instructions must be promulgated for use on a statewide basis, as opposed to the diverse systems now in use in the various jurisdictions of the State.
2. Secondly, the State Democratic Party encourages this Task Force to have the State Administrative Board of Election Laws investigate the possibility of using advanced technology to achieve greater uniformity in all Maryland jurisdictions, both in terms of the actual balloting as well as in the administration of elections. Computerization of databases and standardized formats will provide the public and candidates alike access to needed data and facts in a more timely manner. Such uniformity will allow greater access to the process and it will eliminate delays in obtaining information which often exasperate participants when time is of the essence. Essentially, technological advancement will aid the election process in operating more smoothly. Advanced technology can also be used in the voting booth. However, these advances should be accomplished with some degree of caution as no system is foolproof and the pace of technological advances are so rapid that today's state-of-the-art system may prove to be tomorrow's dinosaur. Notwithstanding the issue of obsolescence, we feel that significant improvements can be made in this area without sacrificing security.
3. Third, a number of our jurisdictions have replaced their older mechanical or punch-card voting machines with optical scanning devices which has improved the process of tabulating votes and compiling results in a more efficient and more accurate manner. We believe the State Administrative Board of Election Laws should play an active role in encouraging and assisting local boards in moving toward implementation of a uniform system. We are mindful that these advances require a timetable that is consistent with county and state resources -- perhaps within a five-to-seven-year time frame. Differences in voting methods on a county-by-county basis continue to complicate the tabulation and reporting of election results statewide and often lead to public misunderstanding. As the number of citizens participating in elections continues to increase, our election supervisors will be confronted with more burdensome and time-consuming tasks. In order to ameliorate the effects of population growth together with higher voter

turnout, it is essential that our government vigorously pursue alternative methods to increase the rapidity in obtaining accurate election results. Greater standardization in voting systems will simplify the process and make verification of results much easier in future elections.

4. Fourth, we recommend the provision of a system affording greater uniformity and streamlined access to newly registered voter information. There was great variation noted as to when local Election Boards made new voter registration computer tapes available to requesting parties, with Montgomery and Frederick counties suffering the most delays in past elections. At times, long delays have made it virtually impossible to have the latest voter registration computer tapes matched with telephone numbers in time for election day. Telephone calls to voters have proven to be a successful method of connecting with voters on issues candidates and encouraging their participation in the process.
5. Fifth, regarding absentee ballots, some Election Boards would not release the names of persons requesting absentee ballots until the first wave of ballots were actually sent out. The timing of this "first wave" varied greatly among jurisdictions, with Baltimore City being the earliest. In other cases, local Election Boards, most notably Prince George's, made it very difficult for volunteers to come in and copy names, and there were some instances when the board would not provide photocopies. The Maryland Democratic Party would recommend statewide regulations to standardize access to absentee ballot information in a timely manner.
6. The sixth area involves recommendations for election day challengers and poll watchers. Each county seems to apply and enforce existing requirements in a different manner. Some counties required that only their forms be used even if the campaign composes an identical one. Others required that Challenger and Watchers Certificates be filed with the Election Board in advance of Election Day. Still others denied any access at the polling place whatsoever. The Maryland Democratic Party recommends uniform statewide standards in election laws governing challengers and poll-watchers on election day.
7. Seventh, the State Administrative Board of Election Laws should have broader general authority to standardize the process of holding elections to bring greater uniformity to the patchwork of county-based systems that currently exist in our state. We recommend the setting of standards and outcomes that allow the jurisdictions the flexibility to use emerging technology and to improve on their own, according to their own resources and timetables for reaching those standards. The State Board could set standards of performance and measures of quality that would insure the fair administration and integrity of elections. Specific directives in the area of process might require simultaneous counting of absentee ballots and the uniform announcement of electoral returns.

In closing, Marylanders must have faith in the democratic process that we utilize in choosing our political leaders. The Maryland Democratic Party looks to the future with confidence that the most scrutinized statewide election in Maryland's history can help us find ways to improve the process, and restore the level of trust in that process to a level to which all of our citizens can look with pride. The Maryland Democratic Party welcomes this effort to improve the process and insure the integrity of our elections and, to the extent that our experience can aid this body, we make our resources and staff available to you. We look forward to your report and to participating in the continuing effort to improve the administration of elections in Maryland.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Harry R. Hughes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Harry R. Hughes  
Chair, Maryland Democratic Party



**LEAGUE OF WOMEN VOTERS OF MARYLAND, INC.**  
200 Duke of Gloucester Street, Annapolis, Md. 21401  
410 269-0232 phone and fax

TESTIMONY PRESENTED TO THE TASK FORCE TO REVIEW ELECTION LAW

October 11, 1955

Presented by Nancy Orr,  
Co-Chair, LWMD Election Process Study Committee

Thank you for the opportunity to be here today to speak for the League of Women Voters of Maryland. You may know that the League of Women Voters was born in 1920 out of the struggle to get the vote for women. Voting rights and fair campaigns and elections remain core concerns of the League today. Many of our activities are focused on encouraging the informed and active participation of citizens in government. These include efforts to register voters, to produce nonpartisan voters' guides, and to sponsor public forums for candidates for office. Leagues in each county and in Baltimore City have established close relationships with local election boards whose cooperation is essential in planning and carrying out these voter-service activities. All of these are direct public service efforts to encourage wide participation in elections and to give voters information necessary to cast informed votes.

Another dimension of the League's work is political action to assure fair campaigns and elections. Over a period of more than forty years the League of Women Voters of Maryland has conducted studies of various aspects of the election process, and as a result has taken action in the form of lobbying to change and reform election laws and practices. Our underlying principles have been to make the entire election process as open and accessible as possible with a minimum of barriers to voting, to assure fair campaigns and elections, and to improve election administration.

Based on these principles, we have supported measures to remove obstacles to registration and voting. We supported lowering the voting age to 18, a shortened time of residency in the state, and a single registration for state and municipal elections-- all positive changes achieved that have opened up the process. We spearheaded efforts for registration by mail in Maryland and supported creation of the uniform voter registration form. We supported voting rights for first offenders who have served out their sentences. We supported giving the State Administrative Board of Election Laws administrative power over local boards and placing employees of election boards under the merit system. We supported the legislation which gave SABEL the administrative power to evaluate and certify voting systems for local use. In 1988 a League task force studied voting systems in Maryland and monitored their use and security.



This past winter the League of Women Voters carefully followed the many bills introduced proposing changes in election law. We testified in support of the creation of this Task Force. We felt that a careful study by a bipartisan committee was preferable to attempts to make many immediate changes in law without the broad perspective that is mandated for the Task Force. Current election law is a complicated maze to follow, and we believe that it is important to coordinate any recommendations for change rather than to take a patchwork approach. Your work is very important, because confidence in the integrity of the election process is essential to combat voter apathy and cynicism and to assure each citizen that his or her vote counts.

Coincidentally, the Maryland League at our spring 1995 convention adopted a new two-year study of the election process. I am co-chair of the study committee. Some of the issues we are studying parallel those on the Task Force's agenda. Our study includes a review of the existing methods of counting votes, of the selection and training of election judges, and of the laws governing voter eligibility, including proof of identity and residency. We are also reviewing the execution of the Voting Rights Act, the so-called Motor/Voter law, which the League supports. Since we are in only the beginning stages of our study, we cannot point to any specific changes to recommend. An issue of concern that we have identified so far is the lack of uniformity in several areas: in voting systems, and in the appointment, payment, and training of election judges. We are also studying regulations and practices related to maintaining and updating voter rolls and to identification of voters when they appear at the polls.

In conclusion, I'd like to reaffirm the principles that the League of Women Voters feels are most important, and that we hope will guide your recommendations: that there be fair campaigns and elections and a system that assures confidence in the integrity of the election process, and that the process of registration and voting be open and accessible, with the fewest possible barriers to participation. We see our role as that of advocate for the voter, for the individual citizen. We urge you to seek that delicate balance between creating a fail-safe system with rigid laws and regulations and the goal of a fair system for registration and voting that is still accessible and that invites citizens to register and to vote rather than discouraging them.

I am Drake Ferguson.

I own an investigative research company in Maryland

In the five years we have been in existence we have conducted research on everything from the backgrounds of potential NFL team owners, to the defense of a regional bell operating company to cellular telephone fraud. Our work has put us in close contact with State Police, NSA, Secret Service, FBI, Postal Inspectors office, and hundreds of private investigators across the country.

Many of the investigators that worked for Ellen Sauerbrey were clients of mine. All of the investigators working for Parris Glendinning were clients of mine.

We conducted the initial research that caused the downfall of the attorney general in Pennsylvania - Ernie Preate.

As Mr. Preate is a Republican, many of his supporters are sure I must be a "yellow dog" Democrat. In reality, I just don't care for situations that don't pass the "smell test".

For six years I was a member of the Governor's Executive Advisory Council during the Schaefer administration -- two of those years as Vice Chairman. In that capacity, two blue ribbon groups reported through me to our chairman then to the governor: The Governor's Advisory Panel on Insurance Fraud, and The Vehicle Theft and Related Crimes Commission.

In March, I took over the leadership of the Voter Organization -- that's Volunteers Organized Towards Election Reform. In that capacity, we worked closely with both the FBI and the State Prosecutors Office.

Let me start by saying that there are some broad areas of agreement between our two groups. Last session you heard Mr. Montanarelli describe the sad state of affairs surrounding the administrators of SABEL, Baltimore City, and Prince Georges counties. Lets be a little more specific:

1. Sabel has as its administrator Mr Gene Raynor. You heard Mr. Montanarelli state the Baltimore City operations were unduly influenced by a senior official from SABEL; that official was Mr. Raynor. This administrator was accused of keeping a ghost employee on the payroll (Paul Oliver, a former waiter who is a very close friend and business partner in certain real estate investments in Baltimore City). The Baltimore Sun recently wrote that Mr. Raynor kept his drivers licence and automobiles registered at a Harford county address that coincidentally belongs to Mr Salvatore DeMeo. During this time, Mr. Raynor was reported to be in residence in Baltimore City. Mr DeMeo, along with one Anna DeMeo, borrowed monies from Mr. Raynor for the purchase of pizza ovens they installed in their restaurant. According to public records, Mr Raynor holds no disclosed interests in Harford County. It would seem Mr. Raynor is guilty of either Insurance Fraud, or Vote fraud.

2. Barbara Jackson is the administrator of Baltimore City. Before you is an affidavit given by Ms Jackson in a 1990 Federal case. In this affidavit, Ms Jackson makes an intelligent and articulate argument in favor of conducting the five year purge in accordance with Maryland law. She illustrated the affidavit with news stories from the Baltimore Sun and Baltimore News American entitled:

"Voter registration lists appear inaccurate"

"Ghost Voters Found"

"City lists three voters at the Rennert Hotel - now a parking lot"

"Non existent houses given as homes of 250 voters"

"Registration deadwood estimated at 60,000"

The real shock to me came when I saw the dates for these articles went back as far as 1949. A sharp editor or news producer knows that there is a juicy news story to be had in the mishandling of the public trust in Baltimore City. The pattern is there for all to see. Ms Jackson completely forgot these words when she failed to conduct her purge as required by law in 1994, then, according to sworn testimony, lied about it in her affidavit to SABEL. Her lie was known to assistant Attorney General Mary Lunden in November, 1994. Ms Lunden was not the AG normally assigned to Baltimore City -- she

was the AG assigned to SABEL. Ms Lunden didn't tell SABEL about this until questioned in January at a SABEL meeting. The Constitutional guarantee of equal protection was trashed as Marylanders from other jurisdictions were turned away at the polls for failing to vote in five years, but Baltimoreans were held to a different standard.

Additionally, Ms Jackson set up at least one illegal polling place for the 1992 election, approved the installation of illegal black boxes to voting machines, and thus started a process that ended up seeing at least 400 sets of "zero" keys placed into those boxes by veteran election workers at the Franklinton Road facility. Mr. McAfee oversaw the construction and installation of those black boxes on machines in the only two political subdivisions anywhere on the planet that felt this pressing need -- Baltimore City and Prince Georges County.

Seventy-five percent of Baltimore City's 408 polling places have serious irregularities with their election paperwork. No reasonable person could have certified the accuracy of the Baltimore City election count.

3. Mr Robert Antonetti, administrator of PG county, reportedly employed underage family members at the PG County Board, thus making the county a party to breaking state laws on the employment of minors, and rules about employing non registered employees.

When reports of election irregularities surfaced the day after the

election, this state's Republican party ran for cover, and Democrats denied the problem ever happened.

Let's state the obvious for the record. No political party holds the moral high ground on the subject of vote fraud or election reform. If change is to take place, it will be the result of people like you changing it.

State Prosecutors without the power to grant immunity are like toothless guard dogs - all bark and no bite. These administrators know this, and the VOTER Organization thinks they have demonstrated it with their mishandling of the past general election.

Maryland's motto of "Womanly Words - Manly Deeds" might well be remembered as you construct your final report. I implore you to set aside political interests to give our citizens their birthright - fair and honest elections. And put an end to the impropriety that has thoroughly soiled this state in the eyes of the nation and the world.



**VOTER TESTIMONY**

**Committee on Elections Reform  
Honorable George Beall, Chairman**

**Respectfully Submitted,**

**Dee Hodges**



## **VOTER TESTIMONY**

### **Introduction**

It is absolutely necessary that citizens be confident that the process of managing and administering their elections is above-board and fair, that the local Boards of Elections are assiduously following the state codes, that the voting machines be protected from potential misuse, that the paper trails be managed correctly so as to provide a transparent record of any election, that there is absolute dual control over all aspects of the election procedures, and that the personnel, both appointed and employed, be above reproach. Whether there be questions of fraud or misadministration, all problems should be corrected appropriately, for it is imperative that elections be managed transparently and efficiently if the citizenry are to remain free people. Coverups, stonewalling and other misbehaviors are simply not acceptable.

It remains a fact that the real, legitimate result of the 1994 gubernatorial election is debatable. Yes, there has been a court case. There has been a report put together by the Attorney General's Office. There has been a finding by the State Prosecutor that no prosecutable fraud was to be found. Yet there remain some stinging facts, which taint the election. There were nearly 5,832 more votes recorded on the voting machines than there were voters, who were marked as having voted in the precinct binder books at the polls in Baltimore City. This is the voter roll, which tracks who voted, from which purges are conducted. When the polls close at night, these should balance with the total number of Voter Authority Cards, and with the total number of people who voted on the machines. Much of the time, such balancing never occurred. If this doesn't matter, then the accuracy of the voter rolls doesn't matter and neither do election outcomes. There were more than 1800 votes cast in the names of persons who should have been purged by state law. There were at least 1800 votes cast from vacant houses, vacant houses that the city itself including the Mayor's office has determined are vacant and have been vacant for some time. In an audit performed by VOTER of some 25,994 Voter Authority Cards, numerous problems were found. A typical scenario: 270 VACs that were not signed by the voter. If the same error rate could be applied to all of the approximately 140,000 votes cast, then another estimated 1500 votes are questionable. The incidences of judges not certifying the results at the end of election day were legion. There were certifications signed by one person, signing the names of all judges. Sometimes the signatures were not the signature of any judge. In a significant number of precincts, there were no election certifications by the judges. One has to question whether the results from some precincts should have been allowed for inclusion to the vote totals at all. But they were. If not fraud, the questionable certifications alone involved outright negligence and gross incompetence. Seventy-five percent of Baltimore City precincts were involved with these and other serious problems. This kind of incompetence is absolutely intolerable.

### **Keyboxes**

On the matter of the addition of keyboxes to the voting machines in Baltimore City and Prince George's County. VOTER states unequivocally that the keyboxes compromised the integrity of the voting machines. This is similar to giving a master key to the bank vault and all the safe deposit boxes to the bank manager, assistant manager and head teller; then fastening a little metal box on the front of the safe deposit boxes for the customer's personal key, on the premise that the master key would only be used when the customer was present. The same voting machines have been manufactured and used extensively over many years in the United States and throughout the world. Other jurisdictions have not found it necessary to alter these machines in such a way. If indeed, they were really meant to make the machines more secure by altering the voting system, then the SABEL board no doubt would have agreed and permitted such an addition in writing. In disagreement with the State Prosecutor, VOTER also contends that the keybox additions did alter the voting system in a meaningful way and to not have obtained SABEL permission was a violation of the code. In any case, obtaining written permission was simply the prudent thing to do.

For anyone to dispute the fact that the integrity of these old technology mechanical voting machines are impregnable to alteration of the vote count is to stand like an ostrich with head in the sand. The removal of the police officer as official witness and holder of the critical keys, which can provide for changing the counters, takes away security. In Baltimore City, there were approximately 1200 machines. All had keyboxes. The keybox was originally stated to hold only the #4 key (the key which opens the lowest compartment on the back of the machine, known as the "custodian's compartment"). Under oath, it was found that 400 of the machines also contained the #0 key. (This key fits into an internal lock which permits the individual counters to be turned). This was supposedly "inadvertent" according to the State Prosecutor's report. A bank might call it a major error of incompetence or negligence on the part of the warehouse supervisor and workers. Also supposedly, the custodians held a key which was master to all the keyboxes. How convenient. With a cooperative chief judge, one could simply open or leave open the keybox so that the vote could be "adjusted." This could happen during the day or after the polls closed or even in the warehouse, in which case a cooperative judge is not needed. Other questions: How many master keys were issued, who had them; and once opened, did any keyboxes stay open? Also if a crucial "mistake" like sending 400 #0 keys out, which was contrary to policy, occurred, then who can count on the keyboxes being secure at all? Get rid of the keyboxes.

The State Prosecutor states that adjustment of the counters would require removal of the morning zeroed print pack and replacement with a new pack. The new pack, he says, would show a double set of zeroes due to the installation process. VOTER contends that it is not even necessary to do this, that there is room to free wheel counters without moving or removing the printpack. Could this be the reason so many judges left early?

### **Stonewalling**

The incidences of stonewalling were too numerous to list here, but some simple

examples follow. There were 13 days directly after the election when representatives of the Republican candidates were not allowed to look at any of the election materials as provided for by law. There were a number of cases when requested materials needed for investigation were provided at the last minute, and then, in a manner, not specified by the request. For instance, in November 1994, requests were submitted in writing to the Division of Corrections and the Division of Parole and Probation, Department of Public Safety, for a list of inmates jailed on election day with birthdates and addresses of record. On December 26, 1994, a list arrived containing names of inmates incarcerated as of December 8, 1994, and without other identifying information like birthdates and addresses of record. The Baltimore City Elections Office did not provide the requested official list of voters for the November 1994 until just a few days before the courtcase, even though it would have been possible to do so at least a month earlier. All election materials should be preserved and available for viewing after the preceding election and for a reasonable period of time. After a contested election, they should be microfilmed and preserved for viewing later. The requesting citizens were simply not allowed to see all of the requested information and they were shut off from any information once the courtcase began in January 1995.

It should be noted that the Baltimore City Elections Office has seemingly spared no small effort to obstruct VOTER from inspecting the voting machines prior to this hearing. The State Prosecutor's office kindly made arrangements for VOTER representatives to view the machines in September. The Baltimore City Elections Office rebuffed the State Prosecutor's office, in essence saying that it was not the latter's prerogative to make such arrangements. Subsequently, a formal request to the Baltimore City Elections Office has gone unanswered. The stonewalling of a legitimate request by a legitimate group raises natural suspicions.

Investigators were told that the original Voter Registration Cards were not accessible because they were not filed appropriately. They are warehoused, it was indicated, in a number of locations in Baltimore City and Annapolis and that it would be impossible to find and match up Voter Authority Cards with the Voter Registration Cards. The ability to locate and match these two cards should and would have been the final arbiter as to whether fraud had been committed. Yet, this was never done because the Registration Cards were not made available. The non-transparency and non-availability of election documents is intolerable in a free society, should simply not be allowed, and should be punishable where it is not allowed. The State Code provides for citizen access. Since it is in the code, the law should have been carried out.

#### **Democrats Investigating Democrats**

It should be noted that all official investigation of the 1994 election was conducted by Democrat appointed judges, a Democrat Attorney General, and a Democrat appointed State Prosecutor. Employees of the Boards in question, the State Board, the City Board and the Prince George's County Board were Democrat appointed. This is tantamount to having the foxes investigate the massacre in the hen house. To avoid the suspicion that the outcome of any investigation is a "whitewash," all future investigations like this should provide for dual controls in the form of added

co-investigators, who are acceptable to the contesting party, so that there is no suspicion that the conduct of the investigation is less than expected.

The State Prosecutor has no authority to offer immunity as part of the conduct of investigations. This authority is given on the national level and in other states. It should be so in Maryland, along with subpoena power. Furthermore, none of the election investigation interviews were conducted under oath. It should be understood that the answers given in interviews, where there is no danger of being prosecuted for perjury, can be quite different than interviews taken under oath. This was inappropriate. The legitimacy of the investigation could be questioned. In the future, investigators should take testimony given under oath, not freeform interviews.

#### **Call for Removal of Certain Personnel**

Citizens should be able to trust the integrity and competence of the personnel appointed and paid to be their election managers. At minimum, the incompetence and gross lack of ethics of certain paid managers is called into question. Employees or officials in such positions should behave in a manner consistent with state and local laws. The State Prosecutor goes to great pains to state that the paid heads of the various Elections Offices are not state officials even though they serve at the behest of the Governor. It should be obvious that these managers have a great deal of authority and ultimate responsibility for the manner in which elections are carried out and for the procedures regarding maintenance of election documents. Those persons who did not carry out the duties called for by their jobs and the people of the State of Maryland should be held culpable for their actions or lack thereof. Citizens need not tolerate the actions we have seen by the following personnel:

Ms. Barbara Jackson of the Baltimore City Board ran an election disaster in terms of overall sloppiness. Further, she reported to SABEL that she had conducted the annual voter purge as required by law, when indeed, she had not. Even if the January 1994 report was really for 1993 as the State Prosecutor suggests it might have been; she still did not carry out the 1994 purge as required. As an election administrator, she knows the law. She oversaw the formation of illegal election precincts in 1992. She was responsible for the addition of keyboxes on the voting machines, an alteration to the voting system and did not get permission of SABEL. Furthermore, the overall organization of the Baltimore City Elections Office is appallingly poor. Her management of the November 1994 election was grossly incompetent and negligent. That Voter Registration Cards are in the condition they are purported to be is unsatisfactory. And if they are filed correctly, the fact that her office reported otherwise is unsatisfactory. She should be removed.

Also, employees of the elections office, who are employed because of patronage should be transferred and replaced. The office should be reorganized. Registration cards should be refiled and current cards be made accessible. All paper records should be kept on film.

An Assistant Attorney General, Mary Lunden, who when informed of Ms. Jackson's failure to purge in 1994, recommended that the purge not be conducted and the news not be made public until 1995 when the Motor Voter Act became active. She should be removed.

Mr. Gene Raynor, paid director of the State Board should be removed. It was unethical that he should continue to unduly influence the internal workings of the City Board when he was no longer paid to do so. Further, it has been made public that he provided a paying job to a close friend in the State Elections Office, saw to it that the friend was paid, and yet the friend did not work. This is tantamount to embezzlement and should not be tolerated. Another troubling problem is the recent publicity surrounding the registration of Mr. Raynor's car in Harford County when he resides in Baltimore City. At the very least, he should be removed. An investigation should occur with respect to his overall conduct.

Mr. Robert Antoinetti, paid director of the Prince George's County Board should be removed. Apparently, he failed to conduct a full and appropriate purge of registered voters who had failed to vote in 5 years. He oversaw the addition of keyboxes to the voting machines, an addition to the system, without getting permission from SABEL. (It should be noted how miraculous it was that two jurisdictions should independently think up this idea.) Further, he employed his own children at the PG Elections Office, and saw to it that they were paid with public monies, even though they were underage for employment. This was unethical, in violation of labor laws and tantamount to embezzlement. Yet, nothing has happened. Mr. Antoinetti's conduct is unforgiveable. He should be removed and an investigation should occur with respect to his overall conduct.

Mr. Sam McAfee, Warehouse Superintendant, arranged for the installation of the keyboxes by apparently a relative's company located in another state. These surely were simple little metal boxes, which could have been fastened on by an in-state company at possibly a lower price. Mr. McAfee was also the supervisor responsible for protecting the #0 keys, 400 of which were "inadvertently" placed in the keyboxes further violating the integrity of the voting machines. He should be removed.

Board members who acquiesced in or had knowledge of unethical or illegal conduct in the elections office should also be removed and not reappointed to other election positions. The fact that no management changes have yet been made with respect to these elections offices after the well-publicized failures of these officials does not reflect well on the State of Maryland or on its current governor. It is simply unacceptable that these personnel changes have not been made. The citizens of Maryland should not rest until satisfactory changes are made.

#### **Election Day Process**

Bankers use strict methods of dual control over accounts and cash to prevent theft or embezzlement by employees. Elections should be protected in similar manner by methods of dual control. Each step in the process should be observable and seamless. The integrity of voting machines, whether old or new, can no doubt be undermined sooner or later. It is the human realm of dual controls that must be enforced and maintained in order to ensure fair elections.

In addition to strict enforcement of rules that already exist, the following should occur:

Remove the keyboxes from the voting machines in Baltimore City and Prince George's County.

In jurisdictions where there are not enough volunteers of one party to serve, party members from other jurisdictions should be acceptable as judges. The well-known practice of having citizens simply declare another party to serve as judge is not acceptable. During the 1995 session of the State Legislature, this very issue was voted on. It is most interesting to note that all Baltimore City Democrats voted against the legislation.

Each step of the election process should be observed by two opposing judges including machine repairs, oversight of the voting process, return of election documents to headquarters at night. The latter is not followed in Baltimore City.

All erasures and changes to any election documents should be initialed by two opposing judges.

Election results should be posted on precinct doors. This requirement has not been followed in Baltimore City. A copy of the same preliminary results for each precinct should be posted at headquarters immediately upon the arrival of the two precinct judges. That way, interested parties and citizens can observe immediately the contribution of each precinct to the election results.

The election tabulation should be observed by members of all parties. An observation of the September 1995 primary evening by VOTER volunteers in Baltimore City makes it clear that critical precinct by precinct information is kept from observers until the unofficial data is published the following day. (Information is flashed quickly on a screen, too fast to record all, and much of it is aggregated information.) Observers should be present in the vote tabulation area. These are critical hours during which mistakes of commission and omission can occur.

Observers also should be allowed to view the closing of the polls and the lockdown of the machines. They should also be allowed to be present at the warehouse for the return of the machines. The reports of the movers in the 1994 Baltimore City election were damning and another reason to suspect the outcome of that election.

Conversely, observers should be allowed to inspect the machines before they leave the warehouse.

Maryland is one of only five states which does not require some form of identification at the polls. There should be some form of signature identification at the polls, perhaps through a reproduction of the original registration forms, or some acceptable form of photo/signature identification.

Maryland should also adopt some way of prevention of duplicate voting at the polls. Invisible hand stamps that can be seen under ultraviolet light might be one way, or even the use of surveillance cameras as an added measure of safety.

### Other

A review of the voter rolls in Baltimore City should be conducted by a bi-partisan citizen panel of auditors. This panel should also oversee the reorganization of voter registration records.

Audits by various acceptable, outside accounting firms should be required after elections in all jurisdictions.

The integrity of the vote can never be seen to be fair unless Prince George's

County and Baltimore City conduct the purge of the rolls that should have occurred in 1994. The outcome of a courtcase in spring 1995 in which the Attorney General represented the defendant against his own client, SABEL, concluded that the purge should not be conducted. However, the issue should be revisited, perhaps by the legislature. Otherwise, the citizens of the other jurisdictions in Maryland will continue to have their rights violated according to the Equal Protection Clause of the U.S. Constitution.

Consider adding impeachment clauses to the Maryland State Constitution, or if that is not possible-- legislation, to facilitate the removal of officials, who have committed some form of malfeasance in office, by the people's representatives.

Baltimore City had 408 precincts in November 1994. It has reduced that number to 375. This is still too large. Up to four precincts are sometimes housed in the same location. Baltimore County has a larger population and is more spread out, but has only 185 precincts. Baltimore City's large number of precincts makes it difficult for a minority party's volunteers to observe the election. While considering transportation issues for voters, the number of precincts in Baltimore City should be cut closer to 200. Not to do so makes it appear as though there might be something to hide.

The law regarding no signs or electioneering within 100 feet of the polling places should be enforced. There should be no T-shirts advertising candidates, no pins, no stickers, etc. This rule has been widely abused by Democrats in Baltimore City. A picture of Mayor Schmoke's wife going into the polls to vote in the September primary while wearing T-shirt with Schmoke advertisement was published in the Sunpapers. The abuse of the rule by Democrats is intimidating to voters. Enforce the rule.

The committee might consider signs, which indicate to voters that they can vote for candidates of any party listed on the ballot during a General Election. For perhaps too many years, Maryland and Baltimore City have been virtually one-party areas. This is still confusing to some people, who have been used to having the primary election really be the election. During a primary, of course, voters can vote only for candidates of his own party. If not signs, perhaps an educational process could be aimed at these voters.

### **Summary**

Our survival as a free people is dependent upon clean and efficiently run elections. This matter should be of concern to all citizens and party regulars, no matter whether they represent the dominant or minority party. In the past, most questions of election irregularities occurred during the primaries because the results of the Democrat primaries usually forecast the ultimate winner.

It is obvious from the discussions here today, from the occurrences of the past year in Maryland, and because of the very fact that this commission exists, that there is need for reform. This committee has an opportunity and a solemn obligation to the people of Maryland to address and resolve the glaring problems that still linger.

## **Testimony before the Task Force on Election Reform**

Good Morning and thank you for the opportunity to testify before the Task Force on Election Reform. My name is Mary Ellen Anderson and I am a nurse attorney in private practice. I have been registered Democrat since initially registering to vote over twenty years ago.

As other members of VOTER have noted, volunteers have contributed in excess of 120,000 hours in an effort to determine what happened during and after the November 8, 1994 General Election. Although initially motivated by concern that victory was stolen from Republican gubernatorial candidates in the late hours of election night, the conviction that the issue is much bigger than Republican candidates or, for that matter, candidates from any party, has kept people involved in the non-partisan VOTER effort. This is not about party affiliation, nor race, nor City versus County concerns. It is about citizens having confidence in the accuracy and integrity of the election process and the assurance that the individual who takes office is in fact the individual who was duly elected by registered voters. Free and fair elections are a bedrock of American democracy which is based upon representative government. We live in a country that goes to great lengths to ensure that elections in foreign lands are conducted freely and fairly. Even though it is painful to acknowledge, some of the greatest threats to a true democracy are here in our own country. Voting irregularities threaten the integrity of all elections: federal, state and local.

Although vote fraud often cannot be proven, the failure to prove that it did occur does



not effectively establish that it did not occur. Many citizens throughout Maryland continue to have serious doubts about the outcome of last November's gubernatorial election. Fraud and conspiracy are extremely difficult to prove in the absence of someone coming forward with inside information. Given the very small number of individuals who would be involved in such a scheme, the likelihood of anyone coming forward is unlikely. Federal and State investigators were diligent in their efforts to find the truth, but they were frequently hampered almost as much as VOTER volunteers were.

One of the most disturbing things has been the reluctance of the media, elected officials and investigatory agencies to even acknowledge the possibility that fraud or conspiracy could have occurred, particularly in light of the substantial irregularities that have been documented. Federal investigators were never granted the authority to conduct a full investigation and thus never had subpoena power. Similarly, the State Prosecutor does not have the authority to grant immunity thus depriving that office of an important and necessary tool in the conduct of criminal investigations. Rather than an open and honest effort to conduct a timely and effective investigation, ~~efforts to answer~~ questions and complaints about the November election brought in good faith by citizens, the entire process has been marred by stonewalling and inertia. For example, despite serious questions of irregularities raised on election night, no effort was made by any government agency or body, including but not limited to the Federal Bureau of Investigations, the State Attorney General's Office, The State Prosecutor's Office, the State Administrative Board of Election Laws, the Baltimore City Board of Supervisors of Elections, and county election boards, to have all voting systems used in the election impounded.

Similarly, I personally witnessed a significant decrease in the number of absentee ballots (i.e., approximately 100-125 absentee ballots) occur over a lunch break during the absentee ballot counting/voting process in Baltimore County. After I raised my concern about the possibility that ballots may have been removed, County officials refused my request for a hand count of the ballots that were voted to allow a comparison with the number on the public counter and angrily removed the ballots from the room. The attorney sent in to assist me later asked me not to say anything to anyone about what I might have seen. I did complete an affidavit which I submitted to both the State and Federal agencies charged with investigating the election. But the point that I want to stress is that something is terribly wrong if we cannot rely on our government to immediately initiate an aggressive and open-to-the-public investigation anytime a serious allegation of a constitutional violation or other illegality is brought in good faith.

Late in VOTER's investigations, we were given information on ways the vote counts on the print-o-matic voting machines can be altered without leaving any trace of tampering or paper trail. It is my understanding that at the last meeting, the State Prosecutor's office acknowledged that the totals on voting machines can be altered, but in all instances of tampering, a paper trail would be left. Contrary to that testimony, voting system experts from around the country have confirmed for us that there are several ways to change the vote count without leaving a paper trail. We have requested that the Baltimore City Board of Supervisors of Elections allow us to have access to a voting machine in order to videotape a demonstration of this process for you. To date, we have not received a positive to our request. I have hear in this envelope, written instructions for how to do it. We would like

to demonstrate this for you because we are seriously concerned about the integrity of any and all elections when a system is vulnerable to tampering. Appropriate safeguards must be instituted to ensure that such tampering does not occur.

### **Recommendations**

1. Review and recodify the Election Code to ensure that the provisions of the law are current and ensure accountability by allowing for effective prosecution of appointed officials and staff in instances of malfeasance and breach of fiduciary duty.
2. Ensure that bipartisan election judges are present in all polling places by allowing election judges to cross jurisdictions when necessary.
3. Recommend that legislation be enacted to require immediate impounding of all voting systems and documentation by an independent bipartisan board/commission in any instance where an allegation of voting irregularities. Membership should be comprised of equal representation of both major (or all three recognized) parties. Members should be appointed by the senior elected officials in each party. Alternatively, they could be elected during primary elections.
4. Require photographic and signature voter identification cards at all polling places and when requesting absentee ballots.
5. Institute the use of voting cards which can be punched to indicate that the bearer has voted in a given election.
6. Require some form of indicating that a given voter has voted (e.g., a non-toxic, unobtrusive ink stamp which is placed in a consistent place, like the inside of the wrist, on all voters) to prevent an individual from presenting him/herself at multiple polling places to vote in the place of other registered voters.
7. Require that voter rolls in all jurisdictions be kept current (i.e., that registered voters' current addresses are reflected, possibly by cross-referencing with benefit and credit records; that individuals who have moved from the jurisdiction are routinely purged from the voting rolls).
8. Require that the purges, which prior to Motor-Voter were required by law and were not conducted in Baltimore City and other jurisdictions, be conducted to bring all jurisdictions into equal compliance.
9. Require all Board of Election members, election judges, and salaried and contract staff to attend annual educational classes, which have a State-wide standardized curriculum, includes information about federal and State constitutional guarantees to

free and fair elections, the proper conduct of elections and required documentation, the duties and functions of appointed officials and staff, and accountability measures like sanctions and punishments for violations. Allow interested members of the public to attend these classes.

10. Institute random quality control audits and monitoring mechanisms at polling places throughout the State to ensure that elections are conducted appropriately.
11. Educate the public about the importance of free and fair elections.
12. Require that returns submitted to the election boards from the precinct and district levels be time-stamped to allow reconstruction of election night events.
13. *Review and reform the absentee balloting process to include, at a minimum, unique identifying numbers on individual ballots.*



My name is Margarette Crowder. I reside in Harford County, Maryland where I have lived my entire life of 62 years, and I am a loyal Democrat. Much of my adult life has been dedicated to serving the community in reference to elections. I was the chief election judge for Harford County for 15 years when I received my appointment to serve as a Democrat member of the State Administrative Board of Election Laws, otherwise known as SABEL, in 1987. SABEL is a five member bipartisan board which is designed to supervise the conduct of elections in the State of Maryland, among other duties.

I would describe my service on the SABEL board for the first seven and a half years as routine. We would approve voting systems and engage in other statutory tasks. Beginning on November 8, 1994, however, the controversy surrounding the state-wide election certainly put SABEL in the spot light so that most Marylanders that have been following the news are now aware that there is a state election board.

Like other Marylanders, I listened early on to the newspaper reports regarding irregularities and, in addition, attended the monthly SABEL board meetings where great controversy and debate existed regarding the propriety and actions and omissions of election officials came to light. Instead of meeting monthly we began meeting weekly and I quietly listened to the evidence and debate as the controversy continued throughout the remaining part of my tenure on SABEL.

I was not at all willing to rush to judgment on any of the issues and felt that I did my duty as a sworn state official to listen and read all of the various view points involved. As the months went on, I became more and more convinced that there was serious wrongdoing as new revelations, almost on a weekly basis, surfaced after the civil trial which was held in Anne Arundel County regarding the allegations of fraud in the November 1994 elections. In May 1995, I became convinced beyond a doubt that the revelations of fraud and irregularities in the election were not due to mistakes or sloppiness, but rather were by design. I brought with me today a copy of a document entitled Facts on Election Fraud, Part I, which contains allegations I believe to be true, together with supporting documents and a video tape of news broadcasts which support each allegation.

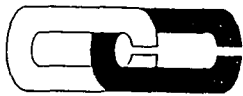
In summary, the failure of Baltimore City to purge 42,000 ineligible voters from the voter rolls while 108,000 in other jurisdictions were stricken from the rolls, the installation of voting machine key boxes on each and every voting machine in Baltimore City and Prince George's County without the mandated authorization from the state election board, the willingness of election officials in Baltimore City and Prince George's County to commit blatant violations of the election code, the fact that 6,000 more votes were recorded in Baltimore City than people who actually voted, the fact that votes were shaved from the original vote count in Baltimore City until the official count was reported 30 days later to the board of canvassers for certain candidates, the fact that precincts in Baltimore City held back their vote reporting until other jurisdictions reported, among numerous other problems, all point to fraud by design and intent. I would like to stress that the fraud that I just enumerated does not constitute allegations of fraud but rather fraud that has been admitted either in trial testimony or by the individuals involved when approached by the news media. Many citizens such as myself have expended great time and effort in exposing this fraud and we have been dismayed by the lack of support by both elected and appointed officials in the State of Maryland. In fact, the Attorney General's Office

is still commenting that all allegations are baseless, when I have just enumerated to you admitted violations.

During this time that I have to give my statement, I would like to urge                      to take action to alleviate and correct as much of the fraud that has occurred in Maryland as is possible. One major action that                      can take, among others, is to improve the law so States can more effectively insure the accuracy of their Voter list. One provision of the law prevents states from conducting periodic mailings to clean up the voter rolls. In Maryland, the law targeted to voters will allow election officials to leave on the voter rolls persons who may have died, moved out of state, moved to other precincts or are otherwise nonexistent. The prohibition of the removal of a voter from the rolls who has since left his or her residence but through postal error is still receiving mail should be repealed. I have in front of me the entire list of persons who have been left on the rolls in Baltimore City because of the intentional failure of election officials to correct the voters thereby diluting the honest vote of persons in other jurisdictions.

All persons who are concerned about our democracy should vigorously promote the proposition of "one man, one vote" and should adhere to the resolution that was passed in January 1995 by the recently replaced state election board that no less than 100% accuracy in the vote count is acceptable. This goal is easily obtainable provided that honest election officials adhere to it.

Thank you for your time and attention.



**common  
cause**

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### **Testimony in Support of SB 180 and HB 293**

#### **Common Cause/MD Governing Board**

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-Towson  
John Wm. Smith  
Vice Pres  
-Rockville  
Anne Dauria  
Sec/Treas  
-Baltimore

Armin Behr  
-Bethesda  
Doug Behr  
-Kingsville  
Terezia Bohrer  
-Bowie  
Oscar Carlson  
-St. Michaels  
Risselle Fleisher  
-Baltimore  
Robert Glenn  
-Cheltenham  
Jim Griffin  
-Bethesda  
Peg Gunter  
-Bethesda  
Tom Hattery  
-Mt. Airy  
Carroll Holzer  
-Towson  
Dawn Kane  
-Annapolis  
Daniel Katz  
-Millersville  
Sandy Laken  
-Glyndon  
Rumi Matsuyama  
-Hyattsville  
Albert Naeny  
-Bozman  
Alvin Rivera  
-Rockville  
Lin Schmidt  
-Ijamsville

#### **Ex-Officio Members**

Patricia Stocker  
-Bethesda  
Peter Brown  
-Hyattsville

**TO:** Task Force to Review the State Election Laws  
**FROM:** Deborah Povich, Executive Director Common Cause/Maryland  
**DATE:** Nov. 8, 1995

Numerous bills were referred to the Election Law Task Force by the General Assembly. Common Cause/Maryland recommends favorable consideration to two of those bills to help restore confidence and integrity in the election process. The bills we recommend are **Senate Bill 180** and **House Bill 293**.

**Senate Bill 180**, referred by the Senate Economic and Environmental Affairs Committee, would extend the statute of limitations for offenses arising from Article 33 section 26 (the Fair Election Practices) and sections of the Ethics Law from the current two years to three years. Common Cause/Maryland recommends that the statute of limitations for campaign contributions be extended to four years instead of three. This would coincide with the election cycle to which the contribution limits apply. Since an individual or business has a four year period in which to make the maximum contribution allowed by law, the statute should follow that time period. We have recently witnessed the case of a lobbyist being prosecuted under federal law for mail fraud for activities which were directly related to violations of state campaign finance laws. The violations were discovered more than three years after the activity occurred and the lobbyist could not be tried for violating the campaign finance law because the statute of limitations had expired.

Also, through a recent review of several campaign finance reports, Common Cause/Maryland found over a dozen instances where reports showed contributions from businesses and individuals that exceeded either the \$4,000 per candidate limit or the \$10,000 aggregate limit to all candidates combined. In several cases the current two year statute of limitations had expired by the time we passed this information on to the State Prosecutor. This is another example of campaign finance law violations which cannot be prosecuted.

(over)



**House Bill 293** would require that the State Administrative Board of Election Laws be able to receive campaign finance reports on electronic medium. The bill would also require that SABEL develop software for candidates to maintain campaign finance records on an electronic medium. SABEL would be allowed to recoup much of the expense incurred by charging candidates the cost for developing the software.

Campaign finance information is useful only when the information is accessible in a timely and meaningful matter. This bill would provide the impetus needed to move SABEL into the computer age and greatly improve access to data about candidate fundraising and expenditures. And, the computerization of campaign contributions would be a key component to determining if the contribution limits were violated.

Lack of enforcement of the campaign finance laws only increases public cynicism about the electoral process -- something we can ill afford. Structural flaws in the law make enforcement of the state campaign finance laws almost impossible. These two bills, SB 180 and HB 293, would help restore integrity to the electoral process. Common Cause/Maryland strongly recommends the Task Force give favorable recommendation to both bills.

TESTIMONY TO THE TASK FORCE  
TO REVIEW THE STATE'S ELECTION LAW  
ON THE NEED FOR BALLOT ACCESS REFORM

by I. Dean Ahmad, Ph.D.

Vice-President of Montgomery County Civic Federation  
MCCF Delegate to Coalition for a Democratic Maryland

As Chairman of the Coalition for a Democratic Maryland, it is my privilege to present to you the concerns shared by the 12 groups which have joined the coalition as well as the many other groups who support ballot access reform in Maryland.

We are an ad hoc coalition of civic associations, political organizations, and other socially conscious groups coordinating our efforts to bring fairness to Maryland's ballot access laws. Our mission is to reform Maryland election law so that independent candidates and candidates of new parties are no longer excluded from the ballot by burdensome restrictions. We mean to achieve this goal by educating the public and the legislature as to the flaws in Maryland's election laws and urging appropriate reforms. Among the groups in our coalition are: the Montgomery County Civic Federation, Marylanders for Democracy, the Maryland Initiative and Fair Ballot Access Committee, the Baltimore Citywide Coalition, the East Bethesda Citizens Association, United We Stand America, the Libertarian Party, the Prince Georges Peace and Justice Caucus, the Greenbelt Greens, and others.

These groups have nothing in common except a unanimous conviction that the ballot access provisions of the current election law unfairly discriminate against independent and new party candidates, making it unfairly burdensome for them to participate in the election process. For example, an independent candidate for Governor must collect over 73,000 valid voter signatures to have their name printed on the ballot. Yet any registered Democrat or Republican can have their name printed on the ballot by simply filling out a form. New parties are required to collect 10,000 signatures just to be recognized as a new party by the state. Even then, however, the party's nominees must collect additional signatures just like the independent candidates. This procedure is very undemocratic.

With independents and new party candidates effectively excluded, it is no surprise that Marylanders are apathetic about elections and the voter turnout is low. It is unsurprising that the incumbent parties tend to be unresponsive to citizen concerns. Voters are unexcited about choosing between the lesser of two evils and incumbent parties guaranteed their shared monopolies, need not be responsive to the captive electorate. The unresponsive legislature threatens the foundation of our democratic society. There is a democratic movement sweeping the world, and it is an embarrassment to our state that Maryland is one of a tiny handful of states in which it is more difficult for candidates to get on the ballot than in the constituent nations of the former Communist block.

Because this task force has been commissioned to look into reform of current election law, we are extremely concerned that you have not, until today, looked at this glaring flaw in the law. A Maryland attorney, Mr. William Plies, has advised us that this law actually violates the Helsinki Accord requirements--signed by the United States--for fair and free elections. The recent Supreme Court decision striking down term limits makes it clear that restrictions such as these in Congressional races constitute additional qualifications for office and go beyond the state's authority to specify the time, place, and means of elections. The state of Maryland is highly vulnerable to lawsuits unless this serious election law flaw is rectified.

The solution to this problem is ballot access reform. However, whenever ballot access reform legislation has been introduced (as it has been every year since 1992), legislators have evidenced confusion over what the current law is. That is what makes addressing this issue an important and urgent matter for this task force. Let me give you one example. One state senator, in a letter to a constituent said he voted against the reform bill introduced in 1995 because it would have "created a third level for filing a certificate of candidacy ... in August," i.e., later than the other two filing dates. This senator was completely unaware that the August filing date exists in the current law! The bill he voted against made no changes whatsoever in filing dates. That bill (which has been endorsed by the ACLU and the Prince Georges County Civic Federation as well as by all the members of our coalition) had only two effects: to treat

all recognized political parties equally and to reduce the number signatures required by independent candidates to a level typical of the other states. It is appropriate and necessary for this task force to include a report on this issue for the legislature.

We call on this task force to report that the current ballot access requirements in Maryland depart from the norms in the overwhelming majority of other states and to support a ballot access reform bill which lowers the signature requirement for independent candidates and new parties from 3% of registered voters to a more reasonable 1/2% up to a maximum of 10,000 signatures.

We ask you to include in your report a statement clarifying the issues surrounding the 1995 legislation SB 261 which was reported out of committee last year but defeated (after amendment) by a single vote in the state senate:

(1) The proposed legislation would have had no effect on Maryland's primary process whatsoever. Candidates for primary elections are now not required to submit signatures and the bill left that unchanged.

(2) In practice, the effect of this bill is that any new political party would have to submit 10,000 signatures in order to place its candidates on the ballot, and any independent candidates would have to collect signatures equal to a reasonable percentage of the number of voters registered to vote for the office in question, but no more than 10,000. This is a stricter requirement than in most other states, and none of the states which have easier requirements have a ballot crowding problem.

(3) No new political party would qualify to have candidates on the ballot unless it has submitted 10,000 signatures.

(4) The proposal in no way duplicates the European system of voting which is based on proportional representation. It is not an attempt to bring Maryland in line with European voting systems but rather with the ballot access requirements common throughout the rest of the United States of America.

(5) The state interest in avoiding ballot overcrowding is met without resorting to the unconscionably onerous

73,000 signatures required under current law for statewide office. States without this requirement have no overcrowding problem. Other requirements--like the requirement for a campaign treasurer are effective at screening out frivolous candidates.

(6) The restrictive ballot requirements are a recent development in Maryland's history. Before 1941 only 2,000 signatures were required to put a slate of independent candidates on the ballot. This was increased to up to 5,000 per statewide candidate until 1967 when the current law was instituted. There was no ballot crowding under the previous laws despite the fact that they were less restrictive than the bill we have supported.

(7) The legislation would have had no effect on the filing dates whatsoever.

Approximately 25% of the voters are affiliated with neither the Republican nor the Democratic party. They have been effectively disenfranchised by the current law. The breadth of our coalition demonstrates that citizens in general--regardless of party--feel that government has become unresponsive. That unresponsiveness appears related to a lack of accountability, directly related to the lack of competition. Ignoring this most critical issue would make a mockery of the purported function of this task force. We have examined this issue very closely, and we can provide you with any additional information you may need on the matter. We can also refer to experts on election law familiar with this issue. Among these are:

--Richard Winger, editor of the national publication *Ballot Access News*;

--Burke Smith who, at the invitation of the Maryland House of Delegates, gave them a presentation on this issue in 1992.

--Heather Herndon, who prepared the special report "Ballot Access: Options and Obstacles", for the Center for Policy Alternatives which Mr. Smith presented to the Maryland House of Delegates.

--Richard Smolka who testified before this committee on other election law questions, but unfortunately was not asked to address the ballot access issue.

# **MARYLANDERS FOR DEMOCRACY**

2601 East-West Highway., Chevy Chase, Maryland 20815

(301) 589-2177

## **TESTIMONY TO THE TASK FORCE TO REVIEW THE STATE'S ELECTION LAWS**

November 8, 1995

by Stuart Simms - Co-Founder of Marylanders For Democracy

The preamble to SB244, the legislation which established this task force, begins by stating that the assurance of open and fair election procedures is at the core of the principles of democracy on which our country was founded.

What does "open and fair elections" mean? Does it mean open and fair for Democrats and Republicans only, or are elections supposed to be open and fair for everyone? Objectively, as Dr. Ahmad has described, the current election procedures are unfair and are not freely open to candidates who are not Democrats or Republicans. Table One (attached to our written testimony) shows that Maryland requires the 2nd most signatures by percentage of registered voters of any state to get an Independent candidate for President on the ballot. Table Two shows that among states with populations in the 4-to-5 million range, one state requires 25 signatures, and two states require 2000 signatures. In contrast, Maryland requires approximately 74,000 signatures to place an independent candidate for President on the ballot. If you think of this as a stack of two-hundred page books, with twelve signatures per page, you would have a stack over 30 books high. At a rate of four valid signatures per hour, a statewide candidate would have to relegate 18,500 man hours to meet this signature requirement. In addition, qualified new parties in Maryland are not allowed to have any of their candidates on the ballot without collecting thousands of additional petition signatures; whereas, Democrats and Republicans are not required to collect any petition signatures.

This task force has an opportunity to rectify this inequity in the election law simply by recommending in your report that the petition signature requirements for independent and minor party candidates in Maryland are overly restrictive and must be reduced to assure that future elections in Maryland are open and fair.

We believe that the perceived irregularities in Maryland elections, as demonstrated in the last gubernatorial election, will continue until all parties act to ensure fair elections for everyone, regardless of partisan considerations.

---

Co-Founders: Scott Becker & Stuart Simms

Table #1

## 1996 BALLOT ACCESS FOR AN INDEPENDENT PRESIDENTIAL CANDIDATE

STATE	LEGAL REQUIREMENT	ELECTION CODE REFERENCE	REQUIRED	%
Wy	5% of 1994 congress vote	22-5-304	9,810	4.12
MD	3% of no. of reg. voters Mar. 1996	Art. 33, sec. 4B-1(h)	(es) 74,000	3.00
Ok	3% of 1996 pres. vote	Title 26, sec. 10-101.2	41,711	2.04
N C	2% of no. of reg. voters Apr 1996	163-122	(es) 73,000	2.00
N M	3% of 1994 gub. vote	1-4-51	14,029	1.97
Mt	5% of 1992 gub. winner's vote	13-10-601	9,473	1.84
Cal	1% of no. of reg. voters, Oct 1994	elec. code 8400	147,238	1.00
Dcl	1% of Dec. 1995 registration	Title 15, sec 3002(b)	(es) 3,500	1.00
Fla	1% of no. of reg. voters as of 1994	103.021(3)	65,596	1.00
Ga	1% of no. of reg. voters as of 1994	21-2-180	30,036	1.00
D C	1% of no. of reg. voters, Jul 1996	1-1308(f)	(es) 3,400	1.00
In	2% of 1994 sec. of state vote	3-8-6-3	29,822	.94
N D	number stated in law	16.1-12-02	4,000	.86
Ore	1% of 1992 pres. vote	Title 23, sec. 249.735	14,601	.82
Hi	1% of 1992 vote cast	Tit. 2, 11-113b(2)(B)	3,829	.78
W V	1% of 1992 pres. vote	3-5-23	6,837	.77
Alas	1% of 1992 pres. vote	15.30.025	2,582	.77
Id	1% of 1992 pres. vote	34-501(1)(c)(D)	4,822	.77
S D	1% of 1994 gub. vote	12-7-1	3,117	.72
Tx	1% of 1992 pres. vote	Elec. code 192.032(d)	61,541	.71
S C	number stated in law	7-11-70	10,000	.67
Nv	1% of 1994 cong. vote	Title 24, sec. 298.109	3,761	.60
Pa	2% of 1995 judge winner's vote	Title 25, sec. 2911	(es) 30,000	.51
Mi	1% of 1994 gub. vote	168.509(b)2	30,891	.50
Va	.5% of reg. voters, Jan. 1996	24.1-159	(es) 15,800	.50
N H	number stated in law	Title 4, sec. 655:42	3,000	.45
Me	number stated in law	Title 21, sec. 494.5	4,000	.44
Ill	number stated in law	Ch. 46, sec. 10-2	25,000	.41
Ct	number stated in law	9-453(d)	7,500	.40
Az	3% of no. of indep. voters, mid-1996	16.341E	8,000	.39
Kan	number stated in law	25-303	5,000	.38
Mo	number stated in law	Tit. 9, sec. 115.321	10,000	.34
Ma	number stated in law	Ch. 53, sec. 6	10,000	.32
Neb	number stated in law	32-504(2)(c)	2,500	.27
Vt	number stated in law	Title 17, sec. 2402(b)	1,000	.26
Colo	number stated in law	1-4-801(b)	5,000	.25
Ky	number stated in law	Title 10, sec. 118.315(2)	5,000	.23
Ala	number stated in law	17-19-2(a)	5,000	.22
R I	number stated in law	17-14-7	1,000	.18
N Y	number stated in law	Chap. 17, sec. 6-142	15,000	.17
Iowa	number stated in law	Tit. 4, sec. 45.1	1,500	.09
Oh	number stated in law	3513.257	5,000	.08
Mn	number stated in law	204B.08	2,000	.07
Wi	number stated in law	Title 2, sec. 8.20(4)	2,000	.06
Ms	number stated in law	23-15-359	1,000	.06
Ut	number stated in law	20-3-38	300	.03
N J	number stated in law	19:13-5	800	.02
Wa	number stated in law	29.24.030	200	.01
Tn	number stated in law	2-505	25	.00
La	just pay \$500; no petition needed	Tit. 18, sec. 465.C	0	.00
Ark	just hold meeting	Att.Gen.Op. 79-102	0	.00

"Requirement" shows the number of signatures to get an independent presidential candidate on the Nov. 1996 ballot.  
 "%" means the requirement, divided by the no. of reg. voters as of fall 1994. Chart prepared Feb. 8, 1995 by Richard Winger, Box 470296, San Francisco Ca 94147, (415) 922-9779, fax 441-4268.

# Population by State, 1990-93

Source: Bureau of the Census, U.S. Dept. of Commerce

State	1993 population	1990 population	Percentage change 1990-93	State	1993 population	1990 population	Percentage change 1990-93
U.S. ....	257,907,937	248,709,873	3.7	CO. ....	3,565,959	3,294,393	8.2
CA. ....	31,210,750	29,760,021	4.9	CT. ....	3,277,316	3,287,118	-0.3
NY. ....	18,197,154	17,990,455	1.1	OK. ....	3,231,464	3,145,585	2.7
TX. ....	18,031,484	16,986,510	6.2	OR. ....	3,031,867	2,842,321	6.7
FL. ....	13,678,914	12,937,928	5.7	IA. ....	2,814,084	2,776,755	1.3
PA. ....	12,048,271	11,881,643	1.4	MS. ....	2,642,748	2,573,216	2.7
IL. ....	11,697,338	11,430,602	2.3	KS. ....	2,530,746	2,477,574	2.1
OH. ....	11,091,301	10,847,115	2.3	AR. ....	2,424,418	2,350,728	3.1
MI. ....	9,477,545	9,295,297	2.0	UT. ....	1,859,582	1,722,850	7.0
NJ. ....	7,879,184	7,730,188	1.9	WV. ....	1,820,137	1,783,477	2.1
NC. ....	6,945,180	6,828,637	1.7	NM. ....	1,816,483	1,815,089	0.1
GA. ....	6,917,140	6,478,216	6.8	NE. ....	1,807,199	1,578,388	13.2
VA. ....	6,490,634	6,187,358	4.9	NV. ....	1,388,910	1,201,833	15.6
MA. ....	6,012,288	6,016,425	-0.1	ME. ....	1,239,448	1,227,928	0.9
IN. ....	5,712,779	5,544,159	3.0	HI. ....	1,171,582	1,108,229	5.7
WA. ....	5,255,278	4,868,692	8.0	NH. ....	1,125,310	1,109,252	1.4
MO. ....	5,233,849	5,117,073	2.3	ID. ....	1,099,098	1,008,749	9.2
TN. ....	5,098,798	4,877,185	4.5	RI. ....	1,000,012	1,003,484	-0.3
WI. ....	5,037,928	4,891,769	3.0	MT. ....	839,422	799,065	5.1
MD. ....	4,964,898	4,781,468	3.8	SD. ....	715,392	698,004	2.5
MN. ....	4,517,416	4,375,099	3.3	DE. ....	700,269	666,168	5.1
LA. ....	4,295,477	4,219,973	1.8	ND. ....	634,935	638,800	-0.6
AL. ....	4,188,806	4,040,587	3.6	AK. ....	599,151	550,043	8.9
AZ. ....	3,938,142	3,665,228	7.4	DC. ....	578,448	606,900	-4.7
KY. ....	3,788,808	3,685,298	2.8	VT. ....	575,891	582,758	-1.2
SC. ....	3,642,718	3,486,703	4.5	WY. ....	470,242	453,688	3.7

## COMPARISON OF STATES WITH SIMILAR POPULATIONS RELATIVE TO THEIR PETITION SIGNATURE REQUIREMENTS FOR 1996 BALLOT STATUS FOR INDEPENDENT PRESIDENTIAL CANDIDATES.

STATE	1993 POPULATION	REQUIRED # OF SIGNATURES	PERCENT
TENNESSEE...	5,098,798	25	.00
WISCONSIN...	5,037,928	2,000	.06
MARYLAND....	4,964,898	(es) 74,000	3.00
MINNESOTA....	4,517,416	2,000	.07

Percent is calculated by dividing the required number of signatures, by the number of registered voters as of the fall of 1994. Table prepared 7/10/95 by Scott Becker - Marylanders For Democracy, 2601 East-West Hwy, Chevy Chase, MD 20815, 301-589-2177.

(I think that the 63,000 figure referred to by Senator Pinsky in his testimony may have been in reference to the 1992 presidential election)

Table # 2:





## **APPENDIX C**

### **LETTERS RECEIVED BY THE TASK FORCE**



**ELLEN R. SAUERBREY  
4122 SWEET AIR ROAD  
BALDWIN, MARYLAND 21013**

October 25, 1995

**Mr. George Beall, Chairman  
Task Force to Review Maryland's Election Law  
11 S. Calvert Street  
Baltimore, Maryland 21202**

Dear Mr. Beall 

I am sure the members of your task force want to ensure that Maryland election laws guarantee competent and fair administration of election laws and minimize opportunities for vote fraud. I am sending you what I believe to be the most important elements of election reform that should be considered by your commission; but it is important that the work of this commission not be personalized to any one campaign.

First, I would observe that no law will ensure a fair and honest election unless there are election judges who are truly committed to fairly protect the interests of both political parties in every polling place. Increasingly Republicans are unable to find judges to ensure true bipartisan oversight at each voting station since Maryland law currently requires that judges live in the jurisdiction in which they serve. Unfortunately Baltimore City, like many urban areas, does not have enough registered Republicans to fill the needs meaning there is not bipartisan oversight at many polls.

The responsibility for appointment of election judges should rest first with the local party central committee seeking residents within that jurisdiction. If openings still exist, the state party should have the right to fill them with legitimate members of that political party regardless of residence. Current Maryland law does not allow judges to serve across jurisdictional lines.

Adequate and approved training of all election judges is essential.

Voters should be required to present identification (preferably photo ID) to the election judges and when they register to vote. Voter signatures should be kept in a verifiable file and updated periodically. These two provisions would eliminate many bogus voters.

Members of the State Administrative Board of Elections should be nominated by the State Central Committees of the political parties. Just as county election board member names must originate with the central committee of each county. It is obvious that a board that oversees the election process should not be totally controlled by any governor. The terms of SABEL members should be staggered.

SABEL must have the authority to adopt regulations and have the specific responsibility and resources to investigate elections, impound voting machines and voting documents, issue subpoenas and prepare reports on contested election. The Board should have the power to employ a staff attorney and engage independent counsel since the Attorney

General may have a clear conflict of interest involving the election of his own office or that of a running mate.

SABEL should establish and enforce uniform security procedures for voting machines and the handling of other voter records by local election boards. Voting machine alterations should not be made without the approval of the Board. Computerization should ensure that double votes can not be counted.

There should be a clear and automatic right to a recount in a close contest and prompt unfettered candidate access to voting records. It is very important that public records be just that--public-- and available to candidates, the press, and the public, without delay. All records should be preserved for at least six months after the election, including key envelopes, receipts, checklists and all other documents.

The voter canvas should be public and conducted in a uniform and verifiable manner. Each precinct should verify that cross checks between such things as voter authority cards, poll books, and the number of votes cast as shown on lifetime protective counters and public counters "tie and tie". Discrepancies should be reported by the judges when the returns are posted. Opening and closing hours of the polls should be logged as well as the time that results from each poll are centrally reported. SABEL should be charged with establishing an audit process to verify the numbers in a challenged election.

The permissible activities of poll watchers should be clearly set forth in law or regulation. Poll watchers should not be permitted to hassle voters, nor should poll watchers be prevented by election officials from performing their legal responsibilities.

A schedule should be defined whereby local election boards are required to cross-check voter lists against death records, incarceration and parole and probation records, and against the National Change of Address system of the U. S. Postal Service. Reports of voter registrations in other counties should result in prompt removal of the voter from the former county of residence. Purging which is allowed under federal law should be completed promptly.

Penalties for election tampering should be enhanced so that it is not viewed as minor chicanery.

I would appreciate your making a copy of this letter available to the members of the Task Force.

Sincerely,



Ellen R. Sauerbrey

STATE OF MARYLAND

STEPHEN MONTANARELLI  
STATE PROSECUTOR



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ONE INVESTMENT PLACE  
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OFFICE OF  
**THE STATE PROSECUTOR**

November 3, 1995

**MEMORANDUM**

**TO:** George Beall  
Chairman, Task Force to Review  
the State's Election Law  
c/o William Somerville  
Legislative Reference  
Legislative Services Building  
90 State Circle, Room 116  
Annapolis, MD 21401

**FROM:** Stephen Montanarelli  
State Prosecutor

**SUBJECT:** Recommendations Concerning Election Law

The following are our recommendations which you asked me to submit in writing following our presentation to the Task Force on October 11, 1995:

**GENERAL IMPRESSIONS OF THE CODE**

The Election Code seems to be unnecessarily complex and in need of simplification. This Office, charged with its enforcement, would appreciate any recommendations by the Task Force to make the Code more understandable, less verbose and easier to read. One suggestion is to place sections dealing with procedures, such as the operation of the voting machines, in the Code of Maryland Regulations.

**ADMINISTRATORS OF LOCAL BOARDS**

The provisions of the Code, which establish local boards of supervisors of elections and which confer upon them executive functions, violate one of the fundamental principles of organization and management; i.e., that a single executive can be more effective in the

administration of an organization than a board or commission.

We have described the election process in Baltimore City as a monstrous management problem.<sup>1</sup> The problem is partially caused by a lack of statutory authority which renders the Administrator of the Board of Supervisors of Elections (the Board) powerless to execute the duties delegated to the administrator by the Board. The Code imposes all of the duties of administering an election upon the Board. Nowhere in the entire Code is a local board administrator mentioned except in Section 1A-1(f) where it is made mandatory that the members of the local boards and the principal administrative officers of the boards attend meetings scheduled by the State Administrative Board of Election Laws (SABEL) in any year preceding a primary or general election.

As a result, the administrators are legally, mere employees of the boards which are transient, politically motivated and, by their very nature, unable to make swift impartial decisions in difficult matters. It seems to us that the local boards should be constituted as policy makers whose main purpose is to insure that elections are conducted fairly and efficiently by their employees. The boards should not be involved with the daily management activities of their agencies such as personnel actions, budget administration, records management and the logistics of conducting an election. Managerial functions are best administered by single executives clothed with authority commensurate with their responsibilities. In governmental activities these managers should be professional administrators selected for their qualifications. Their positions should be insulated from political influence and protected from removal except for misconduct, neglect of duty or incompetency. Their duties should be clearly stated in the Code so that they are legally accountable for the performance of such duties to their local boards.

### **Recommendation**

The administrators of local boards should be appointed by the boards from eligibility lists submitted by the State Department of Personnel, be required to take an oath of office and be charged with all duties pertaining to the administration of the local board in addition to specific duties delegated by the local boards. These positions should be placed under the State Personnel Management System as career management employees.

### **STATE ADMINISTRATOR OF ELECTION LAWS**

The State Administrator's position should not be a political appointment. It is important that the incumbent be viewed as non-partisan. His/her recommendations to SABEL should be based on sound management practices designed to insure fair elections.

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<sup>1</sup>Report of Allegations and Findings Concerning the 1994 General Election, Office of the State Prosecutor, Towson, Maryland, August, 1995, p. 120.

3

We recommend that the position be appointed by SABEL rather than the Governor from applications screened by the Department of Personnel for managerial experience preferably in election law administration. The appointee should serve a fixed term which extends beyond the terms of SABEL members who made the appointment.

#### Recommendation

The position of State Administrator of Election Laws should be non-political and protected from political influence. SABEL should select the State Administrator from qualified applicants screened by the Department of Personnel.

#### VOTING MACHINES

During our investigation we found that the automatic voting machines used in the Baltimore City elections are cumbersome, aging and prone to malfunctions. We believe that the security measures built into the machines, although effective, present operating difficulties for the election judges in placing the machines in voting modes and tabulating results at the closing of the polls.

We recommend a standardized voting system for the entire state which is easy to understand for both voters and election judges. It is noted that some jurisdictions have adopted computerized vote tabulating equipment. A number of such systems are described and approved by SABEL in Title 14 of the Code of Maryland Regulations. These systems make it unnecessary for election judges to tabulate the results of each machine in their precincts and transfer grand totals to so-called return sheets which are then transferred to the local board for further tabulations. The manual counting of votes and transposition of numbers is inherently susceptible to human errors. We believe that a system for electronic calculations and transfer of data with a backup capability of manually counting the actual ballots, if necessary, should be adopted.

Baltimore City and other large jurisdictions have a large capital investment in the present voting machines. State funding may be necessary to make a gradual change-over. However, the savings in personnel, warehouse space, transportation costs and efficiency should offset some of the cost.

#### Recommendation

SABEL should adopt a standardized computerized voting system for the entire state. This system should gradually replace the automatic voting machine systems now being used by Baltimore City and other jurisdictions. State funding of state elections should be considered.



## **VOTING MACHINE KEYS**

Each voting machine in Baltimore City requires four keys for operation and maintenance. Much was made of the custody of these keys during the 1994 Election and the installation of a locked key box on each machine prior to the primary election. Allegations of corruption included failure of election judges to return keys to the City Board with proper certifications, keys left in machines and the installation of the key boxes without approval of SABEL.

Although we found no corrupt conduct, we discovered that the Board's proceedings are different from those mandated by law. Prior to 1994 the key which allowed technicians to gain entrance to the counter compartment (where votes are registered) was in the custody of the police officer assigned to a polling place. This was contrary to Article 33, Section 16-11(a) which directed that this key be delivered to one of the judges at the polling place.

In 1994, due to the non-availability of police officers, a locked box containing the counter compartment key was installed in a secure area of the voting machine so that a technician called to service the machine would need the judge's key as well as the technician's key to the lock box in order to gain entrance to the counter compartment. The installation of the lock boxes caused criticism of the City Board since it was not approved by SABEL. We believe that it is a good security measure and that it should be authorized by statute or regulation. We recommend that police officers should not be involved in the election process other than to maintain order at the polling places.

The City Board was also criticized for destroying the key envelopes in which the voting machine keys were supposed to be returned with proper certification by the judges after the polls were closed. The City Board has not required or provided such certificates on its key envelopes for retention of the key envelopes. These omissions should be corrected so that there is a clear chain of custody of the machine keys.

### **Recommendation**

Locked boxes containing the counter compartment access keys should be authorized by statute or regulation for installation on all voting machines so that the counter compartments cannot be opened without a judge's key and the technician's key to the locked box.

Judges should be required to return all keys to the local board with proper certifications required by Article 33, Section 16-18. These certificates should be retained by the local board for six months following an election.

## **MACHINE BREAKDOWNS**

Article 33, Section 16-11(g) provides for documentation of machine repairs during an election. In our investigation we found that compliance with this section was lacking. It is essential that each machine malfunction be documented so that there is no question of what occurred, who witnessed the breakdown and repair, the downtime and whether or not the election process was affected adversely.

### **Recommendation**

SABEL should insure that local boards comply with all statutorily mandated procedures in the election code. It is noted that records of machines malfunctions are required to be retained permanently by Section 16-11(g).

## **VOTING AUTHORITY CARDS**

Although not mandated by the Election Code, we believe that voting authority cards (VAC's) should be pre-printed. Pre-printed names, addresses and dates of birth make it much easier for election judges to verify voter registration information and to allow the use of automated scanning equipment for updating records. They are also useful in discouraging fraudulent voting and detecting voter frauds. In addition, the number and usage of blank cards for those voters whose names do not appear on pre-printed cards would clearly indicate which voters were allowed to vote by convincing the election judges that they were eligible to vote.

Voting Authority Cards are now pre-printed in Baltimore City. This eliminates the so-called precinct binder books which we found to be susceptible to errors.

## **ELECTION JUDGES**

We are convinced that most of the discrepancies in voter counts in Baltimore City during the 1994 General Election were due to human errors by election judges rather than fraud. We not only detected simple transposition errors from machine counters to return sheets, but also errors that can only be attributed to not knowing what to do.

It seems obvious to us and, we believe, most critics of the election process in Baltimore City that the proficiency and competency of the 2,200 election judges must be improved. It is also essential that the minority party must have adequate representation as provided by law. The difficulties in recruiting minority party judges should be addressed by permitting judges to be appointed from registered voters of that party from outside of Baltimore City by the party's governing body when the local board certifies that it cannot recruit the number required by law within the election districts of Baltimore City.

We recommend that the City Board develop a list of well qualified chief election judges for each of the four hundred plus precincts of the City. It is essential that the chief judge be experienced and competent so that such judges may insure that the voting procedures in each precinct are correctly followed.

Although one hundred election judges did not report for duty at the general election, we do not recommend prosecution as provided in the Code. Our reasons are specified in our report. However, we recommend civil fines levied by the local board.

### **Recommendation**

Permit judges to be selected by the governing body of the minority party when a local board certifies that it cannot recruit a sufficient member within 90 days of an election. The governing body of the minority party should be allowed to select such judges from registered voters outside of the county or Baltimore City.

The City Board should recruit, train and identify a chief judge for each of its four hundred precincts in order to insure a well qualified individual to oversee elections in each precinct.

Judges who fail to report for duty should be assessed civil fines not in excess of their compensation when the local board finds their lack of attendance inexcusable.

### **ABSENTEE BALLOTS**

We recommend that all absentee ballots be pre-numbered. Each ballot should be accounted for at the canvass of such ballots to insure that the ballots voted do not exceed the ballots requested and; that all blank ballots are accounted.

### **Recommendation**

Pre-number all absentee ballots so that canvassers can account for each ballot assigned to the local board, including those not used.

### **INDEPENDENT INSPECTORS**

We believe that each local board should have a team of two or more inspectors available at each election to visit precincts and report to any sites where problems arise. The inspectors should be contractual personnel hired specifically to monitor elections. They should be chosen by the local boards based on their familiarity with the election law and procedures. Their duties should be to note any violations of procedures and report them to the local boards. They should also document the time, place and persons involved in any irregularities reported to the local boards which the inspectors have been asked to

investigate. Their inspections should be limited to findings of facts upon which the local boards may act. We do not recommend that the inspectors have any authority to direct the election judges in their duties.

### **Recommendation**

Each local board should have the authority to constitute an inspection team or teams to visit the various precincts during an election and to report violations of the law and procedures. The inspectors should also be available to report to precincts from which complaints have been received by the local boards and to document their findings concerning such irregularities.

### **STATUTES OF LIMITATIONS**

The statute of limitations for election law violations (generally two years with exceptions for so-called "penitentiary misdemeanors" and some felonies) is too restrictive. Campaign financing violations usually require protracted investigations involving financial records. For example; making political contributions in false names falls under the two year statute of limitations.

### **Recommendation**

We recommend that any election law violation requiring deception by the violator, other than violations which are presently penitentiary misdemeanors or felonies, be made penitentiary misdemeanors with no statute of limitations.

### **IMMUNITY POWERS**

The State Prosecutor, unlike the Attorney General and State's Attorney, has no authority to grant immunity to witnesses in exchange for their testimony. Although there was no reason to grant immunity to witnesses in the investigation of the 1994 General Election, there is no reason why the State Prosecutor should not have the same powers as State's Attorneys when conducting criminal investigations.

### **Recommendation**

Courts and Judicial Proceedings Article, Section 123(a)(3), Annotated Code of Maryland, should be amended to include the State Prosecutor or designated Assistant State Prosecutor.



J. JOSEPH CURRAN, JR.  
Attorney General

NORMAN E. PARKER, JR.  
RALPH S. TYLER  
Deputy Attorneys General



STATE OF MARYLAND  
OFFICE OF THE ATTORNEY GENERAL

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WRITER'S DIRECT DIAL NO.

October 5, 1995

George Beall, Esq.  
Hogan & Hartson  
111 South Calvert St., 16th Fl.  
Baltimore, Md. 21202

Re: Election Commission

Dear *George* Mr. Beall:

This letter is written to clarify a potential misunderstanding with respect to one of the Attorney General's alternative recommendations to improve the conduct of elections in our state.

Because one of the recurring problems in election administration is maintaining a currently accurate registration list, the Attorney General recommended that your commission consider proposing a unitary, statewide voter registration list. Perhaps because I did not communicate clearly what is envisioned by this recommendation, the commission was, I believe, left with the opinion that such an effort is well underway at SABEL and will be completed by the end of this year.

The Attorney General's recommendation is that the State (presumably SABEL) have a central computerized system which would link all 24 jurisdictions and which would allow for continuous updating of voter registration information. The system would, for example, simultaneously delete a person's name from an "old" address and add the person to the rolls at a "new" address even for individuals who have moved from one county to another.<sup>1</sup>

Eventually and consistent with the goals and policies of the "motor voter" law, this statewide system should allow for on-line access from the Motor Vehicle Administration ("MVA") and the various social services offices. These agencies could then input

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<sup>1</sup> Such a system would require a relatively minor statutory change as current law requires a local board to receive a written application for an address change and to compare the signature on the application before a person's name is deleted from the rolls. See Art. 33, § 3-9(b).



October 5, 1995

Page 2

registration information (new registrations as well as address changes) generated through their contacts with citizens.<sup>2</sup>

My understanding of what exists and what is in progress at SABEL by way of on-line registration is quite different than the Attorney General's proposal. Currently, some 14 counties use the Annapolis Data Center ("ADC") for on-line registration. As I understand it, this means that these counties can "dial into" the ADC and enter their respective registration data, and at the end of each week, ADC prints out each county's registration list which SABEL then mails to the local election board.

This effort by SABEL is commendable and represents a substantial benefit to local election boards, particularly those in jurisdictions with limited computer capacity. Significantly, however, because this ADC-run system produces separate lists for the respective counties, notice of a voter moving from one county to another does not result in a simultaneous change in the lists of both jurisdictions. Thus, even if the jurisdictions not currently part of this system become part of the ADC system, the state will still not have a computerized, unitary registration list. Further, I am not aware of there being any real plans to design and build a true unitary system with links to MVA and social service agencies.<sup>3</sup>

I bring this matter to your attention as it bears directly on the important work of your commission.

Very truly yours,



Ralph S. Tyler  
Deputy Attorney General

cc: Mr. Gene M. Raynor  
William Somerville, Esq.

---

<sup>2</sup> As with a change to a system of simultaneous "adds" and "deletes," this would require minor statutory changes. Current law provides, for example, that when MVA receives an application for an address change, it shall forward it "to the appropriate State election official," Art. 33, § 3-2A(d), which would be the local board in the county in which a person was registered and from which the voter was moving. Art. 33, § 3-9.

<sup>3</sup> As noted, the type of system here described would require changes in the Election Code. No such changes have been made, nor am I aware of any being under active consideration.



## Maryland Association of Election Officials

Representing ☐ The Election Boards of the State, Counties and City of Baltimore

November 17, 1995

George Beall, Esquire  
Chairman, Task Force to Review State Election Law  
c/o Legislative Reference  
90 State Circle, Room 116  
Annapolis MD 21401

Dear Mr. Beall and Members of the Task Force;

The Maryland Association of Election Officials held a special meeting of it's Legislative Committee to review the proposals received by the Task Force. The following were represented: Anne Arundel County, Carroll County, Charles County, Dorchester County, Harford County, Howard County, Montgomery County, Prince George's County, Queen Anne's County, St. Mary's County, SABEL, and the Task Force was represented by Mr. William Somerville.

The following relates to "Changes Requiring Enactment Of Legislation". The numbered statement is listed first, followed by the comments of the Committee:

1. Centralize all election administration in SABEL. Any local boards would be offices of SABEL. Alternatively, increase accountability of local boards to SABEL.

The Committee opposes this proposal. Financial support from the State is limited and generally poor for election items. SABEL has in the past, provided untimely, little or no directions to local boards.

2. Revise Article 33 to remove ambiguities. Could be strictly non-substantive revision (the "Code Revision" process of the Department of Legislative Reference) or a substantive updating.

The Committee supports this proposal. The "revision" should be substantive. A small group should review and prepare revisions to Article 33 with a reporting date of 12/97 to the General Assembly.

3. Require computer voting systems statewide.

The Committee opposes this proposal. MAEO feels that this tremendous cost is not necessary as long as the voting equipment is maintained in proper working order and serves the needs of the jurisdiction. Perhaps a periodic review/inspection of each jurisdictions voting equipment would be beneficial.



4. HB479 Allow Election Judges from outside the jurisdiction.

The Committee opposes this proposal. This would not solve the problem, all jurisdictions have the same problem. A competitive situation could emerge for judges regarding pay scales. Those jurisdictions which are able to pay higher salaries would be preferred over those that pay a lesser amount. The situation could actually become worse in some jurisdictions if payment is not uniform. Absentee voting would also increase to accommodate those voters working outside of their County. Election officials should be familiar with the community.

5. SB785 Allows independents to serve as Election Judges.  
HB38

The Committee supports this proposal. Election Judges are becoming increasingly difficult to recruit. This option increases the pool from which election judges may be recruited. In the Baltimore City Republican Primary, Declines are already permitted to vote. Why not let them work as Judges?

6. Implement uniform pay for election judges at \$150 for chief judges and \$100 for others. Pay \$25 for training session.

The Committee supports this proposal. Uniform pay is needed.

7. Change the term of office of the State Administrator from 6 years to 4 years.

The Committee takes no position on this issue.

8. Require minority party input in appointment of minority members of SABEL, comparable to the appointment process for members of local boards.

The Committee takes no position on this issue.

9. Take local registrars out of the merit system. Require party input in appointments.

The Committee opposes this proposal. The term "Registrar" is obsolete, and is partisan. Local board offices should be non-partisan. A title change would be more appropriate.

10. Require SABEL to hire two investigators, one from each party, to monitor compliance by local boards.

The Committee opposes this proposal. Periodic audits by SABEL would accomplish the same thing.

11. Authorize SABEL to take over the operation of a local board that is consistently not in compliance with the law.

The Committee opposes this proposal. This is not realistic since SABEL does not have the technology necessary to take over a local office. They need to provide support and assist when necessary.

12. Make election administrators (State and local) subject to criminal penalties for failure to carry out the requirements of the Election Code.

The Committee supports this proposal only if the administrators are voting members of the Board; having input into the policy decisions they are charged with carrying out.

13. Put central authority in a professional administrator, not a board, at the local level.

The committee supports the proposal but feels that the role of the Board needs to be redefined.

14. Insulate administrators from political influence; eliminate patronage.

The Committee supports this proposal. All local election offices should be non-partisan.

15. Remove criminal penalties for election judges who do not show up. Substitute civil fine.

The Committee supports this proposal. Election judges are difficult enough to get without the threat of fines or penalties. The wording of such a change however should permit the board or Administrator some discretion when imposing the penalty depending on the situation.

16. SB180        Extends the Statute of Limitations for election  
HB4            law offenses beyond the current 2-year limit.

The Committee takes no position on this issue.

17. Give the State Prosecutor power to immunize witnesses.

The Committee takes no position on this issue.

18. Notices of deaths from the health departments should go to the local boards, not to SABEL.

The Committee supports this proposal. The removal process would be faster due to the elimination of the middle agency handling. Postage cost could also be reduced.

19. Omitted

20. Remove requirement for affidavit on application for absentee ballot.

The Committee supports this proposal. Practice has been to allow a voter to submit a hand written application when there is not sufficient time to use the mail. The affidavit was frequently left off these applications. All Absentee Voters however, must sign the affidavit on the ballot envelope.

21. Require SABEL to adopt a single form with affidavit, to be used in applications for absentee ballots.

The Committee opposes this proposal. MAEO recommends the affidavit be removed from the absentee ballot application (See 20). MAEO believes the affidavit on the Ballot Envelope is sufficient.

22. Require notarization, based on examination by notary of photo ID, on each absentee ballot envelope.

The Committee opposes this proposal. The Notary requirement places an undue burden on the applicant. The Voting Rights Act should be considered prior to making this recommendation.

23. Change the time for opening absentee ballot envelopes to 10 AM on the Wednesday following the election.

The Committee opposes the opening of Absentee Ballot envelopes at 10 A.M. Wednesday. The Committee supports a uniform time for starting the Absentee Count of 10 A.M. the Thursday after an Election. MAEO also supports SABEL'S recommendation that each local board be permitted to direct the staff to open the Absentee Ballot Return envelopes and remove the sealed Absentee Ballot Envelope provided public notice of the time and place for the opening of the envelopes is given. At the time of the official canvass, only the sealed ballot envelope will remain to be opened. (This is a modification of the February 10 position.)

24. Define the term "canvass" in the Election Code.

The Committee supports this proposal. Clarification is required, and the interpretation of "canvass" is not uniform. MAEO has previously recommended the following definition of "Canvass": the process of making a thorough examination of the conduct of the election or parts thereof and the results obtained pursuant to the provisions of the Article.

25. Specify uniform procedures if a voter appears at the polling place but is not on the registration rolls.

The Committee supports this proposal. SABEL accomplish this by promulgating COMAR regulations or issuing a directive outlining the procedure.

26. Require voter identification at the polling place by showing photo ID or other acceptable identification that shows the person's name and date of birth.

The Committee opposes this proposal. If procedures are correctly followed, ID would not be necessary. Requiring ID's could also cause waiting lines and difficulties for voters without ID's.

27. HB480        Requires a special photo ID or other acceptable identification that shows the person's name and date of birth.

The Committee opposes this proposal. The cost of acquiring, supplying and operating a photo ID program would be a considerable expense requiring additional personnel as well as equipment and supplies.

28. Require non-forwardable mailing to confirm each registration by mail.

The Committee supports this proposal, however it is the current practice.

29. Require a modified 5-year purge, sending a non-forwardable mailing to a registered voter who has not voted for 5 years.

This would be in violation of the National Voter Registration Act.

30. Require that a person who has registered by mail and has not previously voted must: (1) vote in person, (2) apply for an absentee ballot in person, or (3) use the emergency absentee ballot procedure.

The Committee opposes this proposal. It would be an administrative nightmare.

31. Require absentee ballots be sequentially numbered.

The Committee supports this proposal. It is current practice in most counties.

32. SB192        Requires consent of the absentee voters before information about the application can be made public.

The Committee supports SABEL's proposal, modifying their original position. Absentee voters regularly complain that giving out their name and address advertises their absence from home. They fear the possible burglary or vandalizing of their home. The implementation of this will require modification to most absentee systems.

33. Allow challengers to sit near judges to see and hear identification of voters.

The Committee believes this is currently clear in Article 33, perhaps a clarifying regulation from SABEL would be helpful.

34. SB246        Absence of the required number of election judges may not prevent the polling place from opening.

The Committee takes no position on this issue.

35. Amend the law relating to possession of voting machine keys by election judges to conform to actual practice.

The Committee supports this proposal.

36. Require uniform announcement of election returns.

This proposal needs clarification. What is meant by "uniform announcement"?

37. SB355 Requires SABEL to be the repository for all voter files.

The Committee opposes this proposal. "Voter files" needs to be defined and adequate funding provided. Creating a satisfactory statewide file would be extremely costly.

38. SB722 Shortens the deadline for changing party affiliation.

The Committee takes no position on this issue, however if this change is considered, several other sections of law would need amending such as; the determination of the required number of petition signatures and candidacy procedures.

39. SB766 Authorizes "electronic ballots" and "audio ballots".  
HB1214

The Committee takes no position on this issue

40. HB172 Prohibits candidates and treasurers from acting as agents in the delivery of absentee ballots.

The Committee supports this proposal. It would put into law what the majority of local boards have already done through policy and practice. This practice protects the candidates, their chairman, and treasurers from any allegations of abuse concerning the delivery of ballots.

41. HB197 Shorten the time for SABEL to convene the State Board of Canvassers and the time for challenges to be filed.

The Committee, during the 1995 Session supported SABEL's position and opposed the deadline change. SABEL felt that reducing the time frame for the Board of Canvassers Meeting to 20 days was insufficient time, however they could work with 25 days.

42. SB394 Requires SABEL to adopt uniform policies and  
HB478 procedures. The following are contained in SB394 and  
HB 478:

(a) Enlarge SABEL from 5 to 7 members. The Committee takes no position on this issue.

(b) Give SABEL investigatory powers. The Committee opposes this proposal. SABEL is an administrative agency.

- (c) Require SABEL to employ an independent staff attorney. The Committee opposes this proposal.
- (d) Specify that the State Administrator is a State Official. The Committee supports this proposal.
- (e) Requires SABEL to establish uniform security standards and procedures for voting systems. SABEL has already established COMAR regulations for the newer voting systems. SABEL already has this authority.
- (f) Require SABEL to adopt uniform practices, procedures, policies, equipment, and materials for the conduct of registration and elections. Most are already contained in COMAR.
- (g) Require approval of the party governing body in the appointment of election judges. The Committee opposes this requirement. It has been the experience of the boards that the party's are currently placing more emphasis on people working for the candidates, leaving no spare people for judges in polling places.
- (h) Allow judges to reside anywhere in the State. The Committee opposes this proposal.
- (i) Require uniform training of judges, conducted by SABEL. The Committee opposes this proposal. SABEL is not currently staffed to handle this tremendous task.
- (j) Require at least one judge from each party to be present during voting. The Committee takes no position on this issue.
- (k) Require free public access, for 5 years after the election, to all materials relating to voting. The Committee opposes this proposal. Federal law requires 22 months.
- (l) Require each registered voter to sign a new voter registration at least every 5 years. The Committee opposes this proposal. This proposal would be extremely difficult to administer and insure compliance. The fiscal impact is tremendous.
- (m) Require an annual purge of the registration lists using, at a minimum the U.S. Postal Service NCOA. The Committee opposes the proposal. The NCOA is vendor specific. The local boards frequently are required to mail information to voters, resulting in a duplication of effort. (For ex. Specimen Ballots, Notification Cards, Polling Place Changes, etc.)
- (n) SABEL to compel local compliance with the purge requirement. SABEL can currently determine compliance with purge requirements through monthly registration reports and local board audits.

- (o) Authorize recounts of general elections. The Committee supports this proposal. The same procedures used for primary elections could be adjusted for General Elections.
- (p) Require each voting system to be certified by the Federal Election Commission. The FEC does not certify voting systems. Their main concern is campaign finance.
- (q) Increase security for voting machine keys after the election. This proposal is not needed if proper procedure is followed.
- (r) Designate the time and uniform procedures for the official canvass. The Committee supports the suggestion to "define Canvass" including both polling place canvass and absentee canvass.

The following are comments concerning "Changes That Could Be Made Administratively":

1. Statewide voter registration computerization.

The committee opposes this proposal. This recommendation needs clarification. In order to implement properly, there must be sufficient funding and the actual needs of the Counties focused upon prior to any implementation.

2. SABEL to prescribe uniform standards for capabilities, maintenance, and updating of local board registration systems.

The Committee opposes this proposal. The Counties that are on the State's Computer System do not have the capabilities and flexibility of the other jurisdictions. The Committee agreed that SABEL would need to maintain the standards of the larger counties.

3. SABEL to mandate a single Statewide voting system through its certification process.

The Committee is opposed to this proposal. The tremendous cost of a statewide system is not necessary as long as the voting equipment is in proper working order and serves the needs of the County.

4. SABEL to take a greater leadership role in voter education (especially change of address obligations).

The Committee supports this proposal with enthusiasm.

5. Improved record-keeping regarding criminal convictions for purpose of disqualifying ineligible voters.

The Committee supports this proposal. Possibly the Department of Corrections could provide listings of individuals confined to their facilities, including their name, address (last known), date of birth and the reason for their incarceration. This would supplement the notices received from the courts.

6. Improved procedures for voter authority cards (e.g. pre-printed names).

The Committee supports this proposal. It is the current practice.

7. Improved procedures for recruiting and training election judges.

The Committee supports this proposal and is open to all suggestions to improve the procedures for recruiting and training election judges.

8. Improved record-keeping regarding late opening or closing of polling places.

The Committee supports this proposal. SABEL has recently provided a new "Check In/Check Out Log" which will be implemented in the 96 elections.

9. More uniform polling place procedures.

The Committee supports this proposal.

10. Consolidate precincts in Baltimore City.

The Committee takes no position on this local issue.

11. Challengers at the voting machine warehouse, notified of repair dispatches so they can be present if a machine is opened up.

The Committee believes this proposal is not practicable. Most repair technicians are in the field and not waiting in a warehouse to be dispatched. If a candidate has challengers/watchers in the precinct, then they have a representative on hand.

12. Improved and standardizing training of everyone involved in the process (judges and board employees.).

The Committee supports this proposal, especially for the Boards.

13. More computerization of balloting and administration.

The Committee supports this proposal. Election Offices should have state of the art equipment, technology and administration.



14. Quicker availability of voter registration information (e.g. computer tapes).

This recommendation needs clarification. Article 33 gives the Election Offices 10 days to supply listings, however most supply them quicker, depending on their capabilities.

15. Standardized procedures for access to absentee voter information (i.e. list of names of people who applied for absentee ballot).

The Committee believes this is covered sufficiently in Article 33.

16. Standardized process for challengers and poll watchers.

The Committee believes the status of Challengers and Watcher's is already sufficiently provided for in Article 33.

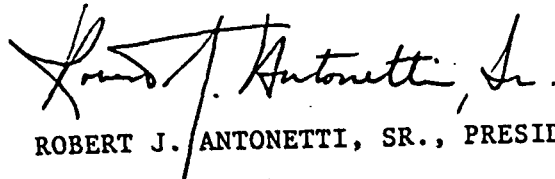
17. Each board should have a team of independent inspectors to spot-check polling places.

Currently most Board members visit various polling places on election day. Many are equipped with beepers or cellular phones so they may be contacted and directed to a polling place with a problem.

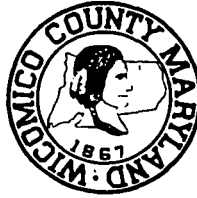
Should you have any questions regarding the views of the Association, please feel free to contact me.

Sincerely yours,

MARYLAND ASSOCIATION OF ELECTION OFFICIALS



ROBERT J. ANTONETTI, SR., PRESIDENT



## THE BOARD OF SUPERVISORS OF ELECTIONS

FOR WICOMICO COUNTY, MARYLAND

P.O. BOX 4091

SALISBURY, MARYLAND 21803-4091

410-548-4830

To: George Beall, Esq., Chairman  
Task Force-Dept. of Legis. Reference  
90 State Circle  
Annapolis, MD 21401-1991

From: Doris G. Bradley  
Election Director II *egb*

Date: October 30, 1995

\*\*\*\*\*

Please consider the following comments from Wicomico County when Proposed Changes in Election Law and Procedures are being reviewed by the Task Force members.

1. For years, the members of our Election Board and staff have been in favor of each office being directly under SABEL's rule. The abolishing of the "green bag" appointments of Election Board members and, perhaps the use of area coordinators to be a liaison between the counties and SABEL. In this time of tight finances for all counties, and consequently the election boards, it would mean in our county alone a savings of \$9,100.00. If the area coordinator were to be considered, such as one for the Eastern Shore, Southern Maryland, Western Counties, etc. I suppose they would have to be paid from the budget of SABEL.
2. Article 33 definitely needs revision - Example: Section 3-11 (a) states "original and duplicate registration forms duly signed"... we have not used duplicate registration cards since 1975 when we started mail registration. We have a duplicate file, but it is on the computer base. We no longer send the duplicate cards to the polling place, but use a computer printout as the poll binder. I personally have a problem with Section 27-7 (c) covering ballot envelopes. I must tell you our county was one of those who had always opened the "return envelope", leaving the ballot sealed in the "ballot envelope" which is time stamped, entered in the computer as received, and placed in the ballot box. We have now been told we cannot remove the "return envelope" as the postmark must be checked. I suppose this section should be more clearly defined.
3. We became a computerized voting county in 1994 and would highly recommend the system for Statewide use.

George Beall, Esq., Chairman  
Task Force-Dept. of Legis. Reference  
October 30, 1995  
Page Two (2)

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4. If by jurisdiction, it is meant from one voting precinct or district within the County to another, we do that now. We are not in favor of from one county to another.
5. Although this is favorable to some counties, I myself am not in favor, but, then the our county has no problem obtaining election judges.
6. We are in favor of uniform pay for the election judges, however, we do not feel that a high pay scale would necessarily produce a better qualified judge.
7. No comment
8. No comment
9. Ouch, the election offices went on the State merit system in 1972 as a means of securing our jobs. Before, if you got a new Governor and Senator, they could clean out the election offices, plus, the purpose of election office personnel is not to be political, but to run the most efficient and unbiased election possible. If you were to walk into this office, I would not want you to know from our actions which of us would be registered with what party. Can you imagine what would happen if the registrars were ruled by the Party's - and could be dismissed on their whim, we would be forever training new personnel.
10. Ridiculous
11. No comment
12. No comment
13. Agreed - this goes back to Proposal 1
14. I do not feel that here in Wicomico County, I am influenced by the political parties and there is certainly no patronage.
15. Judges not appearing are not a problem here.
16. No comment
17. No comment
18. No comment
20. Absolutely - affidavit should be only on "Ballot Envelope"
21. Rather have #20. above

George Beall, Esq., Chairman  
Task Force-Dept. of Legis. Reference  
October 30, 1995  
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22. This proposal takes us back 30-years. Instead of making the process of casting a ballot easier, we will be making it more difficult.
23. No comment
24. No comment
25. There are uniform procedures in the law.
26. For 1996, we will use month and day of birth as identification of voter. Being a smaller county, we do not have some of the identifying problems incurred by larger jurisdictions.
27. No - how would a voter who does mail-in registration get the Photo ID - imagine the cost!
28. The 1993 NVRA law requires each registered voter to be mailed a Notification of Election, 90-days prior to a Primary or General Election.
29. The 1993 NVRA does not allow a 5-year purge, and even though we don't agree, it is what has to be followed. The paperwork is horrendous.
30. Another case of putting the voting process back 30-years.
31. When using a computerized voting system, the ballots are numbered sequentially, both in the polling place and for absentee voting.
32. We have found that by the time the candidates ask for information about absentee applications, the ballots have been mailed and received. We do have a problem with how much information to give out - do we give just name or name and address or all of the application information. In a smaller office, the requests come at our busiest time and is sometimes difficult to fit into our working day.
33. By State law, challengers may sit near the Judges. We do not allow them at the same table nor are they allowed to interfere with the voter or politic while inside the polling location. A copy of Wicomico County's Pollwatcher's Brochure is enclosed.
34. As long as there are Judges from each party present, even though they may not have equal numbers, the polls should be allowed to open and the voting procedure started. This also ties in with #5. - allowing independents to serve as election judges.
35. Go to a computerized system.
36. No comment.

George Beall, Esq., Chairman  
Task Force-Dept. of Legis. Reference  
October 30, 1995  
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37. Wont' work
38. The registration files close for an election 30-days prior to that election. It would not bother us if that was the deadline for party changes.
39. No
40. Absolutely
41. No comment
42.
  - (a) not necessary
  - (b) ok
  - (c) no
  - (d) already is
  - (e) they are in the law
  - (f) in the law
  - (g) NO - the judges in the polling place should be impartial, not party faithfuls.
  - (h) NO
  - (i) No - each jurisdiction should conduct their own training
  - (j) yes
  - (k) whatever the law reads
  - (l) NO
  - (m) cannot be done under 1993 NVRA Act
  - (n) see above
  - (o) only when required
  - (p) no comment
  - (q) already done
  - (r) already done

CHANGES THAT COULD BE MADE ADMINISTRATIVELY

1. Even though I realize it's coming, we like having our own in house operation. However, if it is to be available, it would be nice to have a system already proven instead of the one used in Baltimore City who has more problems than most of all already.
2. Already done
3. Since the cost of running the election office is passed on to the counties, this along with other procedures should not be a worry concerning cost to the State - it can be mandated.
4. How much more education can you do?
5. This must come from the judicial system.

George Beall, Esq., Chairman  
Task Force-Dept. of Legis. Reference  
October 30, 1995  
Page Five (5)

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6. All VAC's should be preprinted and I believe with Baltimore City using them for the 1995 City elections, all jurisdictions are doing so.
7. Recruitment and training of election judges are a concern to all of us, however, you must realize that these people work 2-days, every 2-years, and even though you have done a good training procedure and tried our best to instill in their brains everything we know, they do not remember it all - we use a page of reminders in our training manual of what must be signed, dated, sealed, etc.
8. Everyone in Maryland knows the polls open at 7-a.m. and close at 8-p.m., but sometimes problems do arise.
9. Polling procedures change with each jurisdiction and according to the voting system used.
10. This is a problem for Baltimore City
11. The security of the voting machines are the problems of the election office
12. Repeat of previous proposal #7.
13. Ok
14. Voter registration can only be available as readily as the information can be processed by the election board employees. In 1992, we had 1,695 transactions on the last day of registration. The parties and candidates expected all the information the next day - it just can't be done.
15. Why?
16. This is a duplicate proposal - see proposal #33.
17. On Election day, our Board makes the rounds of all polling locations in the County. When problems arise, or in a precinct where we have had a problem, I then visit - I'm not sure all of the Judges enjoy my visits, as they think they are in trouble.

# REMEMBER – POLLWATCHERS ARE OFFICIAL OBSERVERS ONLY

They may observe the conduct of the election before, during, and after the polls close. All pollwatchers must present valid credentials upon entering the polling place —

\*

THE JUDGES of election are the sole authority in the polling place on election day —

\*

NO PERSON, except a judge, may handle or touch election supplies and materials —

\*

A POLICE OFFICER may be in the polling place to preserve order and carry out lawful directions given by the judges —

\*

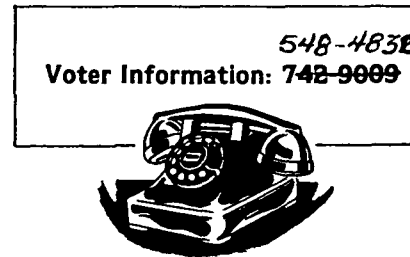
ELECTIONEERING or any type of campaigning, must not take place in or within 100 feet of the entrance or exit of the polling place during voting hours.

## WICOMICO COUNTY BOARD OF ELECTIONS

A primary role of the Wicomico County Board of Elections is to help bring about a greater understanding of and participation in the electoral process.

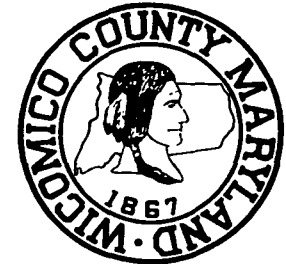


Room 2 Court House  
Salisbury, MD 21801  
Office Hours: 8:30 A.M. - 4:30 P.M.  
Phone: 742-9009  
548-4830



Registration By Mail  
742-9009  
548-4830

**POLLWATCHERS**  
**POLLWATCHERS**  
**POLLWATCHERS**  
**POLLWATCHERS**  
**POLLWATCHERS**  
**POLLWATCHERS**  
**POLLWATCHERS**



Maryland law provides for pollwatchers to be present in the polling place during an election. Pollwatchers are intended to observe the conduct of the election and their prime concern is the integrity and fairness of the election.

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## What Are Pollwatchers?

Pollwatchers, sometimes referred to as challengers, checkers or simply watchers, are election observers who aid in ensuring the free and fair conduct of elections. Pollwatchers may be in the polling place before the polls open, during the actual voting hours, and after the polls close.

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## What Maryland Law States About Pollwatchers

A challenger and watcher has the right to enter the polling place one-half hour before the opening of the polls. However, if a majority of the election judges present find that the presence of the challengers and watchers in a polling place before it opens will prevent the timely opening of the polling place, the judges may direct all challengers and watchers to leave the polling place. Election judges are not required to admit to a polling place before the opening of the polls any challenger and watcher who was not present at the polling place at least one-half hour before its opening. A challenger and watcher has the right to enter or be present at a polling place at any time the polls are open, and may remain in the polling place until the returns are completed.

Challengers and watchers may not at any time interfere with or obstruct the judges in the proper performance of their duties. It is unlawful for any challenger and watcher to inquire or ascertain for which candidate any voter intends to vote, or has voted, or to converse in the polling place with any voter or to assist any voter in the preparation of his ballot or in the operation of the voting machine. Any challenger or watcher who violates the restrictions of this paragraph may lawfully be ejected by the judges and is subject to the punishment provided for in this article.

The above is an excerpt from Section 15-3 of the Election Code.

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## Is There A Limit To The Number Of Pollwatchers Allowed In A Polling Place?

Only one person can be present in the polling place representing a candidate or group at any given time. When over-crowding interferes with the orderly conduct of the election, the judges of election may ask all pollwatchers to leave. The election judges may cause the removal of any pollwatcher who is disrupting the election process.

## What Are Some Specific Functions Of Pollwatchers?

- Before the first ballot is cast, pollwatchers may observe machine preparation;
- Pollwatchers may position themselves near enough to the election judges to hear and see procedures;
- Pollwatchers may challenge a person's right to vote, only on the basis of identity, that is, the person is not whom he/she purports to be;
- The judges of election determine whether or not to sustain a challenge;
- Pollwatchers may observe the tally procedures after the polls close.

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## What Should A Pollwatcher Do If He/She Observes An Administrative Error Or Sees An Apparent Violation On The Part Of Election Judges Or Voters?

The pollwatcher should politely inform the Chief Election Judges if he/she observes an error or an apparent violation. If the error or violation continues, the pollwatcher should record his/her observations, immediately contact the Board of Elections at 742-9009 and remain at the polling place until proper authorities arrive. Under no circumstances should a pollwatcher argue with the election judges or interfere with the election process.

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## Who Authorizes An Individual To Become A Pollwatcher?

Pollwatchers may represent established political parties, candidates, qualified civic organizations, or organized proponents or opponents of ballot propositions. Each pollwatcher must have credentials issued by the candidate or group represented, and these credentials must be presented by the pollwatcher to the election judges immediately upon entering the polling place. Pollwatchers certificates can be obtained from the Election Office by candidates, political parties, proponents or opponents of ballot propositions.









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BOARD OF SUPERVISORS OF ELECTIONS

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November 3, 1995

George Beall, Esquire  
Chair, Task Force to Review the State's Election Laws  
Department of Legislative Reference  
90 State Circle  
Annapolis, MD 21401-1991

Dear Mr. Beall: *George*

The members of the Task Force have been given a worthy responsibility to investigate and make recommendations for the accurate and consistent administration of elections. For those of us in the election business, housecleaning is an essential duty. We welcome it and offer our assistance.

I have attended all the meetings of the Task Force with the exception of the last one. My observations have been that there is a lot of misconception on the part of most people as to the actual work performed by election offices throughout Maryland. Also, while most of the investigation is concentrated in Baltimore City, you should know that there are many counties that work well, efficiently, and provide an essential service to the citizens of their county. The truth of the matter is that there are some very important considerations in determining our ability to provide the services - they are support by the local jurisdictions in budgets, support by the local jurisdictions with infrastructure, support or lack of support by the State Personnel system which is using obsolete job descriptions to hire staff.

Any constructive changes should start with the complete re-writing of Article 33. Most of this is based on antiquated systems, small counties and pre-typewriter procedures. Today's automation and professional staff are not conducive to administration by committee, especially since there is no criteria or standard in choosing those committee or board members. Major decisions often MUST be made within minutes and usually are based on past experience, technical expertise and good management practices. I would like to give you another perspective to consider.

1. I would recommend that the local board's authority be limited to a committee of observation with any discrepancy or problem reported to the state board for consideration. At the present time, Article 33 gives all authority to a three member board. This system was designed for the period prior to 1950 when counties were small and the election office did not have many other duties to perform. With federal and state mandates increasing, technical automation is essential and the qualified personnel to manage it is also essential.

2. I would recommend that the positions within the offices be evaluated. More professional standards should be used in hiring and that would require more professional salaries. At the present time, the election salaries are far below standard. The registrar position should be abolished. It serves no purpose and has not since registration by mail was established. Administrators should be hired by the SABEL administrator with strict guidelines that would not allow patronage or nepotism. The rest of the staff should be hired by the local administrator. The board should have no part in this procedure. I have no objection and would encourage the staff to be kept as bipartisan as possible.

3. I would recommend that no steps be taken toward centralized registration until the state is willing and able to provide the most professional technical service. While this may make a lot of sense in some states, it could be crippling to this state for several reasons. Maryland has not treated its election system with respect in several areas - financial support, technical support, requirements for professional standards with respect to hiring practices or appointment practices. Until that happens, many counties which now enjoy financial and technical support would take a very large step backwards since the state is not close to being prepared for such a large step.

4. I would recommend that absentee procedures be standardized with reference to when ballots may be opened, minimum standards for information required on applications, standards for proper procedures for open public observation. The forms are presently used in many different ways. Our county uses a computer generated form that has identified the voter, certified that he is registered and pre-printed all pertinent information on it before sending it for signature. The additional need of an affidavit does not coincide with the national trend of simplification. Requiring any form to be notarized does not coincide either. Additionally, I see no purpose in requiring that the outer mail envelope not be opened when received. The inner oath envelope should be all that is required to guarantee privacy to the voter. In counties that have large numbers of ABs, it is very time consuming to open two envelopes at the time of counting ballots. There absolutely needs to be acceptable procedures for opening the outer envelope when received, allowing us to timestamp it, check for the required signatures, and sort by ballot styles as needed.

5. I would recommend that SABEL become more aggressive in standardizing all procedures and giving support, keeping in mind the differences in jurisdictions, such as voting systems used. My past experience with SABEL is that the administrator sets the tone. I have worked with three and the amount of direction and the tone of direction has been drastically different with each one. I have no objection and in fact welcome any standardization that SABEL requires so long as they take into consideration our limitations or our advanced technology. For example, I would not like to be told that we must all revert to the old practice of adding AB on each original registration form to indicate the vote by Absentee at the time the ballot envelope is opened, such as Article 33 presently requires. This is just one example of obsolescence.

6. I would recommend that the use of lever type voting systems be prohibited by the year 1998. This would give local jurisdictions time to replace these old monsters. Several years ago, I was convinced that the lever type of machines, (which have not been manufactured for about 20 years - only rebuilt ones are available), are not accurate. I witnessed some gears slipping on a public counter and believe that it is possible for other gears to slip as well. Some counties have refused to come into the 20th century and will only fund them when mandated.

7. I would recommend that election judges be given standard pay state wide. I have no problem with allowing judges from other jurisdictions as long as the pay is the same in all counties. Otherwise, a county that pays better has an advantage. I have no problem with declines being judges as long as they work with others of party affiliations. As to the punishment for non attendance, we need some way to reinforce the attendance. A civil fine might be enough, especially considering the fact that it is unlikely that they will ever be prosecuted for failing to appear. The notion that central committees will give any assistance in finding judges, much less be required to approve each one, is not workable.

8. I would recommend that the election day procedures be written to allow the use of any photo ID as identification. It could speed up the check-in process, however there must be other procedures for those who do not have photo IDs. These IDs should not be required to be furnished at the time of registration. Most registrations are not done within the office and there would be no logistical way to comply for mail registrations.

9. There were several other small suggestions that need comment.

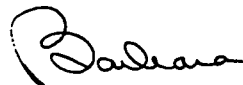
- a. Non-forwardable mail - This has been done for as long as I have been associated with elections.
- b. Numbered ballots - Ours are numbered and many other counties as well.

Recommendations - Feaga  
Page 4

- c. Challengers - Present procedures require that they be where they can observe and hear voters without obstructing the judges. I have not seen a challenger in the polls for many years. Most candidates use them only to collect vote totals in the evening.
- d. Absence of required number of judges - The required number of judges should be changed from four to two, one of each party.
- e. Uniform announcement of results - Our results are simultaneously reported on cable TV, on a computer in the press room and on a computer within each party central committee simultaneously with the entry of election results.
- f. Authorize electronic ballots and audio ballots - This must be done. This does not mean that all counties will be able to or should utilize them.
- g. Agents - Candidates should never be into the business of carrying ballots to voters. This is a good suggestion to outlaw this practice.
- h. Training of judges - SABEL is not knowledgeable enough of election day procedures to train judges. There are many different scenarios, depending on the level of technology and the voting system used. They should be required, however, to develop standard procedures for check in of voters and require that these procedures be taught to the judges.

Please accept these suggestions for consideration. Should there be a need for an explanation of certain procedures or terminology, I would be happy to comply. I would also like to invite the Task Force or individual members of the Task Force to visit our office for demonstrations on a different perspective of election management.

Sincerely,



Barbara W. Feaga, Director  
Howard County Board of Elections

LAW OFFICES  
**ROSS, MARSH & HOSTER**  
1401 H STREET, N. W.  
SUITE 1000  
WASHINGTON, D. C. 20005-2110

DONALD S. ROBERTSON

(202) 622-0555  
(202) 775-9330 (TELECOPIER)

WRITER'S DIRECT DIAL

November 15, 1995

VIA FAX

George Beall, Esquire  
Chairman  
Task Force to Review the  
State's Election Law  
c/o Mr. William G. Somerville  
Department of Legislative Reference  
90 State Circle  
Annapolis, Maryland 21411

Dear Mr. Beall:

As counsel to the Montgomery County Board of Supervisors of Elections, I am responding to the Task Force's solicitation of the comments of counsel to the various local boards. The comments below are my own and have not been reviewed by either the Montgomery County Board or its staff.

To avoid duplicating the comments of others, I will limit my comments to three issues that, based upon a review of the Task Force materials available to me, apparently either have not been raised or, at least, have not been focused upon.

1. Code Revision/Limitations. The State's Code Revision process should not be regarded as a panacea for solving the numerous substantive problems that exist in Article 33.

It is my understanding that the Code Revision Committee contemplates that Article 33 will be scheduled for review within the next several years. Although it may be desirable to advance that schedule, it should not be so advanced as to precede substantive changes in the election law.

The Code Revision process is a stylistic one, not a substantive one. Although Code Revision can

restructure the law and eliminate obsolete material, and sometimes can eliminate ambiguities and clarify, it is neither designed nor permitted to make substantive changes in the law. Moreover, based upon my personal experience with Code Revision, the process itself is made more difficult--in some instances virtually impossible--if the source law (in this case Article 33) is substantively flawed. Under these circumstances, the full benefits of the Code Revision process may not be realized.

Accordingly, the major substantive changes required in Article 33 should not be deferred in reliance upon Code Revision. On the contrary, I recommend that Article 33--like the Procurement Law a decade ago--be the subject of a comprehensive substantive revision before it undergoes the Code Revision process.

2. Absentee Ballot Counting Process. The Task Force has received numerous comments suggesting that clarification in the absentee balloting process is required--including the addition of definitions (e.g. "count" and "canvass") and a clearer outline of the steps involved. One point, however, may need further emphasis.

For some if not all counties that count absentee ballots by computer, there is a significant step between the opening of the ballot envelopes and the counting of the ballots. In those counties, once the ballot envelopes are opened, and before the ballots are counted by the computer, they must be reviewed manually for acceptability--i.e. to determine whether they have been damaged, mutilated, disfigured, or otherwise have been made defective or unsuitable for counting by the computer. For large counties (Montgomery County expects 27,500 absentee ballots in the 1996 general election), this "acceptability review" is a very time-consuming process. Thus, although the use of computers expedites the actual count, there is significant delay before the opened ballots are ready for that final step.

Accordingly, a process that (with notice to the public and interested parties) allows an opening and review of the ballots for acceptability prior to their actual count will expedite the counting process.

3. Change in Registration Status/Apparent Limitations. It is commonly assumed that a registered voter may not change his or her registration status

**Page 3 - George Beall, Esquire**

**November 15, 1995**

within the 12-week period immediately preceding any special or regular primary election. A careful reading of the law may indicate that this proscription is not as broad as commonly understood--it may not apply to a registered voter switching to or from the status of a decline.

Paragraph (1) of subsection 3-8(b) of Article 33 provides, in relevant part, that "a registered voter may change his party affiliation, or change to or from a decline, at any time except . . . [w]hen registration is closed . . . ." (emphasis supplied) or as is otherwise provided in paragraphs (2) and (3) of that subsection. Paragraphs (2) and (3), which impose the 12-week prescription, refer only to a voter who wishes to "change party affiliation." Unlike paragraph (1), they make no reference to a voter who wishes to "change to or from a decline." It thus would appear that the 12-week prescription may not apply to the latter category of voters.

This disparity was brought to the attention of the Montgomery County Board during the 12-week period preceding the 1994 primary election. Based upon informal advice from the Office of the Attorney General in consultation with then Board Counsel, the Montgomery County Board thereafter permitted voters to change to or from the status of a decline during the remainder of the 12-week period. Montgomery County, apparently, was alone among the subdivisions in permitting this change.

Several reported cases are pertinent to the interpretation of subsection 3-8(b): Murphy v. Wachter, 126 Md. 563, 95 A. 201 (1915); Hennegan v. Geartner, 186 Md. 551, 47 A.2d 393 (1946); and Lee v. Secretary of State, 251 Md. 134, 246 A.2d 562 (1968).

Based upon a recent telephone conversation, it is my understanding that the informal advice of the Office of the Attorney General has not changed. Moreover, I have been advised that this issue ultimately will be the subject of an Attorney General's opinion.

As long as the disparity in the language among the various paragraphs of subsection (b) of Section 3-8 exists, however, there is a question about the proper interpretation. Moreover, as previously indicated, it would appear that the various jurisdictions of the State are not consistent in their respective interpretations.



November 15, 1995

Accordingly, the law--or, at least, the interpretation of it--should be clarified. If the intention is to preclude any changes in registration status, this should be expressly stated by amending paragraphs 3-8(b)(2) and (3). If the limitation is intended to apply only to a change from one party to another, there should be at least a consistent statewide interpretation of the current law, if not a change in that law to clarify the point.

In any event, if a change to or from the status of a decline is to be permitted--a "one-way" switch--it would appear that it should be made expressly clear that, within the 12-week period, there cannot be a "two-way" switch--i.e. from one party to decline to another party. Such a two-way switch would appear to be totally inconsistent with the philosophy of paragraph (5) of subsection 3-8(b) which, within the 12-week period, precludes a voter affiliated with one party from canceling his or her registration and reregistering in the same county with a different party affiliation.

\* \* \* \*

Thank you for your consideration of my comments on these matters.

Very truly yours,



Donald B. Robertson

cc: Mr. Julian R. Manelli  
Deputy Administrator  
State Administrative Board of  
Election Laws

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**STATE ADMINISTRATIVE BOARD OF ELECTION LAWS**

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P.O. BOX 231, ANNAPOLIS, MARYLAND 21404-0231

PHONE: [410] 974-3711

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M E M O R A N D U M

DATE : November 7, 1995  
TO : William Sommerville, Task Force  
FROM : Julian R. Manelli, Deputy Administrator  
SUBJECT : Recommendations for absentee balloting

Enclosed please find a few recommendations on absentee ballots - Article 33, section 27.

These recommendations were put together by statewide administrators and directors of elections who put a lot of time and work into this effort.

If you need any clarification of these recommendations you may contact Barbara Feaga of Howard County Election Board, Carol Evans of Montgomery County Election Board, Robert Antonetti of the Prince George's County Election Board or Kitty Davis of Allegany County Election Board.

Meeting of November 6, 1995

Attendees: Election Officials from Allegany, Anne Arundel, Baltimore City, Baltimore, Carroll, Charles, Howard, Montgomery, Prince George's, Queen Anne's, St. Mary's, Wicomico Counties and SABEL Counsel and staff

Objective: To determine recommended changes to Article 33, Section 27 - Absentee Voting -following the Biennial Meeting Workshops.

#### Sections 27-1 and 27-2

Currently, an absentee ballot application is requested and mailed to voter up until 7 days prior to an election. During the 7 days prior to an election, now designated as the emergency period, the application process must be handled in-person, not through the mail. Reasons for use of the absentee are identical under either category. Only during the emergency period can an agent be used.

Problem: The present affidavit of agent does not adequately address all possible situations. Election offices receive requests for individuals to act as agents under several other circumstances. The situation may occur any time during the absentee process, spouses getting ballots for partners required to make sudden trips, parents visiting college kids close to the election but not close enough to allow for two mailings etc.

Recommend eliminating emergency distinction and combining with regular provisions. Permit use of an agent anytime in the process, this will allow for use of a single application format.

Recognizing that it is necessary for the voter to designate the agent obtaining the absentee ballot, not the agent designating the voter, we recommend an agent be required to complete an affidavit, under penalty of perjury, to be maintained by election office, providing initial information prior to the agent receiving the application and ballot which is to be delivered to voter. At the time the agent makes the affidavit, stating the agent's responsibility to delivery application and ballot to voter, sufficient form of identification shall be presented. The voter should be responsible for the timely return of the ballot. This can be done through mail or through delivery by agent in-person.

Problem: Current law requires agent to be a registered voter and resident of the same county as the absentee voter. This requirement is burdensome, for example, an adult child is asked to act as an agent for a parent who is in a nursing home in another county.

Recommend residency and voter status of agent be removed, retaining a requirement that the agent be of at least voting age.

Section 27-4

Problem: Many voters apply for an absentee ballot at the last minute not permitting sufficient time to receive the application by mail, complete and return the application by mail, and then send the ballot by mail to the voter. Practice has been to allow voter to provide election office with a hand written request. It is difficult to dictate over the telephone all the words of an affidavit. Prior to issuance of the actual ballot, election office reviews all requests to assure applicant is qualified voter.

Recommend that an affidavit not be required as part of an absentee ballot application.

Section 27-5

Problem: Absentee voters regularly complain that giving out a list of their names and addresses as a result of their absentee ballot voting advertises their absence from home on election day and they fear that it subjects them to possible vandalization of their home.

Recommend the absentee voter be allowed to request that this information not be made public. This request can be made by way of a checkoff on the application for absentee voting.

Section 27-6(b)

Delete the last sentence - not consistent with canvassing procedures.

Section 27-6(c)(2)

Delete paragraph except for last 2 sentences. Language is obsolete. Logistically, these voters cannot always be identified on the polling place printout after the printouts have been put into the custody of the election judges. This requirement places extreme burden on larger election offices.

Recommended changes to Article 33, Section 27

Section 27-9(a)

**Problem:** Election offices were advised in 1994 not to open the return envelope prior to the official canvass. Larger election offices receive absentee ballots sometimes in excess of 20,000. The opening of the return envelope and the ballot envelope at the time of the canvass creates an almost insurmountable problem that can not be effectively dealt with.

**Recommend** that the election staff be permitted to open the return envelope as accumulated in numbers, provided public notice is given of time and place of these openings. Then at the time of the official canvass, only the inner ballot envelope need be opened.

**Recommend** a more exacting definition of "canvass" as used when counting absentee ballots and when counting votes of the polling place voting devices.

**Recommend** more specific guidelines on the view and inspection of absentee ballots and related records during the canvass so that the canvass process is not interfered with or delayed. Public inspection of records should be allowed only after the completion of the canvass.

Section 27-9(j)(2)

**Problem:** As written this section is neither practical or logistically feasible.

**Recommend** altering to allow the process of marking the register by election staff following the completion of the canvass rather than during.

Section 27-9(j)(4)

**Problem:** With the introduction of computer absentee voting systems, ballots must be voted according to system specifications.

**Recommend** altering language "must be marked according to appropriate ballot instructions".



FEDERAL VOTING ASSISTANCE PROGRAM  
OFFICE OF THE SECRETARY OF DEFENSE  
WASHINGTON, DC 20301-1155

November 9, 1995

Mr. William G. Summerville  
Chairman  
Dept. of Legislative Reference  
General Assembly of Maryland  
Annapolis, Maryland 21401-1991

Dear Mr. Chairman:

As you know, in administering the *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA), the Federal Voting Assistance Program (FVAP) works with all the states and territories recommending specific legislative initiatives that will improve the absentee voting process and help ensure that military and overseas citizens are not disenfranchised.

These initiatives impact over 22,000 Maryland citizens currently serving in the Armed Forces; over 17,000 voting age family members and nearly 46,000 Maryland citizens overseas who are not affiliated with the federal government who are eligible to vote in Maryland. In 1994, the Armed Forces members alone paid \$51,929,495 in income taxes to the state of Maryland.

Based on your recent conversation with Mr. John Uschold of my staff concerning the task force established by the Governor to examine polling place and general voting procedures, we thought that perhaps this might be the opportunity for the task force to consider the attached initiatives on behalf of these citizens to help facilitate their participation in our democratic process.

If we can be of further assistance, please do not hesitate to contact us at (703) 695-0663.

Sincerely,

A handwritten signature in cursive script, reading "Phyllis J. Taylor", is written over a horizontal line.

Phyllis J. Taylor  
Director

Attachment

### **State Write-In Absentee Ballot**

We also recommend Maryland provide a state write-in absentee ballot for all elections. The purpose of the state write-in absentee ballot is to provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive regular absentee ballots sent in the normal time frame. A voter could request a state write-in ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular absentee ballot in time to be counted. Twenty-three states have implemented state write-in absentee ballots.

This state write-in ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military stationed overseas and overseas citizens who have already applied for a regular absentee ballot. They do not know in advance that they need the FWAB. However, if the regular absentee ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet the state deadline, these voters may obtain, vote, and return the FWAB to the local election official

It is also important to note that a state write-in ballot usually provides a "full" slate of offices to be voted upon including federal, state, and local offices. On the other hand, the FWAB generally allows voting for federal offices. There are presently four states that have expanded the use of the FWAB and the 1996 revised FWAB was designed to accommodate its use beyond the general election and federal offices only.

### **{Sample Language}**

*If the voter is a U.S. citizen residing outside the United States or a member of the United States Armed Forces or a spouse or dependent of a member of the Armed Forces and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period.*

**Electronic Transmission of Election Materials**

During the November 8, 1994 general election, faxing again proved to be a valuable alternative method for military persons serving their country who may have otherwise been disenfranchised. Provisions were made for Armed Forces personnel deployed to Haiti for Operation Uphold Democracy and the Persian Gulf for Operation Vigilant Warrior to utilize the FVAP's electronic transmission service for faxing of election materials. This initiative helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints. Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to use of modern technology in the absentee voting process. We encourage use of this alternative to include electronic transmission of the FPCA for registration and ballot request, electronically sending the ballot to the voter and accepting the voted ballot electronically from the voter where circumstances would otherwise disenfranchise a citizen. Below is suggested sample language allowing for electronically sending the FPCA for registration and absentee ballot request, the blank ballot to the voter and accepting the voted ballot electronically.

**{Sample Language}**

*An applicant who is a member of the United States Armed Forces or the United States merchant marine or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by facsimile if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive facsimile absentee ballot applications and accept voted ballots via facsimile from those electors eligible to apply.*



**Expand Use of Federal Write-In Absentee Ballot**

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections, except in Iowa, Montana, Tennessee, Virginia and West Virginia. This ballot is prepositioned worldwide at embassies and consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the Federal Write-In Absentee Ballot in these elections would reduce the need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. In 1992 and 1994, several states allowed the FWAB to be used in elections other than the general election and for federal offices.

In addition, for those citizens that desire to vote in federal elections only, the acceptance of the FWAB transmission envelope as a **request for registration simultaneously with the submission of the FWAB** would simplify the process and improve on transit time. It should be noted that the information requested on the FWAB transmission envelope is the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The FWAB transmission envelope and FWAB could be simultaneously accepted as a registration form and ballot by the state for general election and federal offices if:

- (1) the information submitted complied with the state's registration requirements;
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted;
- (3) the request is received by the appropriate state election official not less than 30 days before the election.

**{Sample Language}**

- Expanded use of the FWAB:

*If the voter residing outside the United States or a member of the United States Armed Forces or a spouse or dependent of a member of the Armed Forces and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and federal offices.*

**1996 Legislative Initiatives - Maryland  
and Sample Language**

**Attachment**

- **Use of FWAB as a Combined Request for Registration and Ballot Submission:**

*If the voter is residing outside the United States or a member of the United States Armed Forces or a spouse or dependent of a member of the Armed Forces and a qualified elector he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:*

- (1) the information submitted complies with the registration requirements of the state;*
- (2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and*
- (3) the request is received by the appropriate state election official not less than 30 days before the election.*

**Enfranchise Citizens Who Have Never Resided in the U.S.**

It is estimated that there are approximately 50,000 U.S. citizens who have never resided in a state and under current law are not entitled to vote (except in Georgia, Iowa, Tennessee and Oregon). These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in federal elections. Some local election officials make exceptions and allow these citizens to vote. However, there is no uniform policy. **We recommend these citizens be allowed to vote in federal elections where either parent is eligible to vote under UOCAVA.**

**{Sample Language}**

*If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.*

**Emergency Authority for Chief Election Official**

During a period of a declared emergency, it is recommended that **Maryland's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and this office could mutually establish expeditious methods for handling absentee ballots including, but not limited to, electronic transmission or fax.

**{Sample Language}**

*The chief election official may exercise emergency powers over any election being held in a district in which either a natural disaster or extremely inclement weather has occurred. The chief election official may also exercise emergency powers during an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.*

*The chief election official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.*



Commissioner  
8th Congressional  
District  
MARYLAND VETERANS  
COMMISSION

Captain J. E. Dolan, USMC, Retired  
P.O. Box 374 ♦ GARRETT PARK  
MARYLAND ♦ 20896-0374

November 2, 1995

George Beall, Esq.  
Chairman  
Task Force to Review the  
State's Election Law  
%Department of Legislative Reference  
90 State Circle  
Annapolis MD 21401-1991

Dear Mr. Beall:

I am the designee of the Maryland Veterans Commission to present our recommendations for changes in the State voting law (Art. 33, Maryland Code). Because of a medical appointment I will be unable to attend the hearing on November 8th. Thus, I am submitting by letter the additions and changes the commission believes should be made in the State election law.

The first, and most important, is to add a provision similar to one now available to service members, both current and former, to vote for Federal officials. This is to allow voting in State elections by absentee blank ballots for election of State and local officials. Currently, when circumstances beyond their control prevent absentee ballots with the names of candidates from reaching a voter in time to vote, these people are deprived of the right to vote.

One circumstance has given the Federal blank ballot its name - "submariner's ballot." The latter ballot was established by Congress to allow service members, submariners in particular, and others to vote for president, senator, and representative when a regular absentee ballot cannot reach them in time to be voted as required. Voting by blank ballot is not authorized for current and former service members to vote for elected officials of our State and local governments. Since these are the people who defend our right to vote, it is inconceivable the State should deny them that right.

A second concern, and we offer no solution, is voting by service members who have access through their units to a FAX machine. In 1992 during Desert Shield/Storm and last year, 1996, there were hasty deployments of service personnel, in many cases with little or no time to receive and return their ballots through the mail. By request of the Federal Voting Office in the Department of Defense, deployed service members were allowed to vote by FAX. The problem the commission has is that the secrecy of the ballot is compromised. We believe a solution should be found for such voting while protecting secrecy. This might be considered under item 39 on the list of proposals to change the

election law, i.e., to authorize "electronic ballots." Such a change could reduce the need for blank ballots in Federal, State, and local elections.

In reading the list of proposals and reviewed the election law, I want to add a personal comment. I was shocked to see the law apparently is being misunderstood and/or misinterpreted as indicted by item 23 on the list when viewed with Section 27(d)(1). As the mover to get this section incorporated into law it was understood the law would apply to *all* general and special elections not just those in the year when the President of the United States was being elected. It was to include general elections in years when the governor was elected as we have members of Congress elected during these elections.

Special elections were included in the law to allow those outside the country mainly to vote for members of the Congress when a vacancy occurred between general elections. This question arose when it was noted a special election is required when a member of Congress dies, resigns, or becomes incapacitated and is unable to continue to serve. At the time we were aware of the situation of then Congresswomen Gladys Spelman in a coma in a nursing home.

If Section 27(d)(1) is being misinterpreted and receipt of absentee ballots that are delayed are not counted, I believe it should be clarified so those who defend our rights are not denied their right to vote.

Sincerely



J.E. Dolan



**common  
cause**

**MARYLAND**

Samuel Boyer President  
Deborah Povich, Executive Director

1 King Charles Place, P. O. Box 942  
Annapolis, MD 21404

(301) 251-1555 (DC area)  
(410) 269-6888 (Balt/Annap)

Nov. 13, 1995

William Somerville  
Election Law Task Force  
Department of Legislative Reference  
90 State Circle  
Annapolis, MD 21401

FAX: 841-3850

Dear Bill:

As per the Election Law Task Force's request on the statute of limitations for campaign contribution violations in other states, I have surveyed six states. Their statutes of limitations are as follows:

Connecticut: 5 years.

Florida: 2 years.

Massachusetts: 6 years, which is the record keeping limit for candidates. However allegations must be brought to the Attorney General's office 2 years after the relevant election.

Michigan: 6 years, as for all misdemeanors.

New Jersey: unlimited, however the candidate is only required to maintain records for 4 years.

Wisconsin: one election cycle back, for offices with 2 year terms the limit is 4 years, for offices with 4 years terms the limit is 8 years.

I hope this helps the Committee in its deliberations

Sincerely,

  
Deborah Povich  
Executive Director





# **MARYLANDERS FOR DEMOCRACY**

**2601 East-West Highway., Chevy Chase, Maryland 20815**

**(301) 589-2177**

**AN OPEN LETTER FROM SCOTT BECKER, CO-FOUNDER OF MARYLANDERS FOR  
DEMOCRACY, TO GEORGE BEALL, ESQ., CHAIRMAN OF THE TASK FORCE TO  
REVIEW THE STATE'S ELECTION LAWS.**

**11/24/95**

**George Beall, Esq., Chairman  
Task Force To Review The State's Election Law  
c/o Legislative Reference  
90 State Circle, Room 116  
Annapolis, MD 21401**

**Dear Chairman Beall,**

**I would like to thank you for allowing Dr. Dean Ahmad (Coalition For A Democratic Maryland) and Stuart Simms (Marylanders For Democracy) to testify before the task force about Maryland's ballot access problem on November 8, 1995.**

**Having attended all of the task force meetings I am impressed with your ability to focus on the material being presented and your fairness in conducting the hearings.**

**However, I was disappointed at the last meeting on November 16, when it seemed that the task force was leaning away from making a recommendation that the ballot access restrictions be reduced. This attitude developed primarily because some members of the task force felt that they did not have enough information about the problem and had not heard from the opposition on this issue. What disappoints me is that since the task force began to hold hearings we have been trying to present information about this serious problem. We sent each task force member a booklet published by Marylanders For Democracy describing the problem, as well as the study published by the Center For Policy Alternatives, and have asked to be allowed to present our information from the very beginning. There were about ten people who wanted to testify on this problem, but since we were allotted only a total of fifteen minutes to explain this complicated issue, most of those people were denied being able to testify. When Dr. Ahmad testified, he specifically stated that we are eager to answer any of your questions and put you in touch with experts in this field who are willing to help inform the task force about this problem. Even election expert Richard Smolka, whose testimony was solicited by the task force, indicated that he was willing to testify on this issue but did not do so because no one asked him about it.**

---

**Co-Founders: Scott Becker & Stuart Simms**

11/24/95 - OPEN LETTER TO CHAIRMAN BEALL PAGE 2.

The reason you did not hear any opposition to our request is because there is very little outside of the state legislature. The State Senate held hearings on legislation to solve this problem the last two years in a row and never has anyone testified against this reform. Transcripts of these hearings are available for you to review. Last year the legislation was approved in committee by an overwhelming 9 to 2 vote and lost on the floor of the senate by only one vote.

The temptation for the legislature to use its position of power to legislatively prevent its competition from participating in fair elections is extremely difficult to resist and thus far the Maryland legislature has not demonstrated an ability to resist this temptation. This is why it is so important for your task force to take the high ground and stand up for fair ballot access in Maryland. We are hopeful that this may be possible because the majority of your task force members are not incumbent legislators and are not being asked to recommend fair elections for their competition. They would simply be acknowledging the need for fair, free, and open elections in a democratic society, and advocating that we try to achieve this in Maryland by reforming the law that prevents us from having fair elections at this time.

We are ready at a moment's notice to supply you with any information you may need and to put you in contact with election experts who can help you become knowledgeable enough about the issue to make a recommendation to reduce the overly restrictive ballot access laws in Maryland.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Becker".

Scott Becker

**OFFICE OF THE ATTORNEY GENERAL  
OPINIONS AND ADVICE  
200 Saint Paul Place  
Baltimore, Maryland 21202  
(410) 576-6327**

**MEMORANDUM**

December 14, 1995

**TO:** Bill Somerville  
**FROM:** Jack Schwartz  
Mary Lunden  
**SUBJECT:** Article 33

As promised, we are providing a list of provisions in Article 33 that we think are inconsistent with other provisions or with accepted practice, ambiguous, outdated, or otherwise problematic. Our intent is not to raise policy issues. Instead, the list is meant to illustrate some of the problems with the way that Article 33 is now drafted. As we discussed, this list does not contain references to Subtitle 26, the Fair Election Practices Act, which was substantially revised in 1991, or to Subtitle 27, the absentee ballot provisions; a SABEL task force, counseled by Assistant Attorney General Mary Lunden, has addressed that subtitle and forwarded proposals to the Task Force under separate cover.

If we can be of further assistance, please do not hesitate to call.

- |                    |  |
|--------------------|--|
| §1-1(a)(8B)        | The definition of "independent" is inconsistent with the use of "decline" in §3-8 and with customary practice.   |
| §1-1(a)(10)        | The terms "book judges and machine attendants" are not used elsewhere in the Code. Including these terms in the definition, with the implication that these are legally significant subsets of judges, is confusing. |
| §2-1(a)            | The five-year durational residency requirement is antiquated and surely unconstitutional.  |
| §2-5(a) and 2-6(g) | Restrictions on the political activities of an election board counsel are needlessly split between two sections. They should be in one place.  |

- §2-6(d) It is not clear whether the residency requirement and registered voter requirement apply to temporary employees. We have advised that the requirements probably do, but the provision should be made clear.
- §§2-6(g) and 2-7(b) Restrictions on the political activities of an election judge are needlessly split between two sections. They should be in one place.
- §2-8(a) and (b)(1) It is not clear whether judges appointed under these circumstances are subject to the same restrictions on political activity as regularly appointed judges. The meaning of the phrase "fit person" is unclear.
- §2-12(e)(1) The reference to "loose leaf pages" is obsolete. With the advent of mail registration, duplicate cards and loose leaf pages are no longer used. Boards use computer print-outs at the polling place.
- §3-1(d) The reference to "those subdivisions which have adopted voter registration by mail" is misleading.
- §3-8(b) It is not clear whether the deadline is the same for change of party affiliation and changes to or from a decline. We have advised that the deadline is the same, but the provision needs to be reworded for clarity.
- §3-9(b) The signature comparison requirement, and the reference to "the original and duplicate registration records," do not accord with current practice.
- §§3-11, 3-12, 3-13 The references to "loose leaf pages" are obsolete.
- §3-15 The provision does not accord with current practice regarding a voter for whom no record exists, when the lack of a record is attributable to a board error.
- §3-16(b)(1)(i) There is potential for confusion between this method of challenging another person's registration and the procedure for a registration appeal under §3-21(a).
- §3-17(b)(7)(ii) The reference to paragraph (4) should be to paragraph (5).
- §4-1 This provision appears inconsistent with the practice of cross-filing by circuit court judges.

- §4A-1(b) We receive numerous inquiries from candidates at the time of filing certificates of candidacy concerning their "legal" name as opposed to what appears to be a "nickname." Some definite standards (like name as it appears on driver's license) or a definition of "nickname" would resolve some of the problems that SABEL encounters.
- §4A-6(f) The reference to nomination by "primary meeting" is obsolete.
- §8-4 Neither this nor any other provision makes explicit the manner in which the presidential and vice-presidential candidates of a political party appear on the ballot.
- Subtitle 9 There are several ambiguities in this subtitle concerning vacancies that result from the death of a candidate and also the deadlines for filing certificates of candidacy. For example, §9-4 provides that in the event of a vacancy, the position must be filled within 30 days before the election. However, §9-5(b) provides that no certificate of candidacy may be filed within 10 days of the election. Presumably the 10 day reference would only be operative as the result of a court order.
- Also, it is not clear whether the name of a candidate who has died before the election, but after the withdrawal deadline, appears on the ballot. See §9-1(3) and §16-4(h) (allowing a change in ballots for change in circumstances).
- §15-5 The relationship between this provision and challenges under §16-14 is not clear.
- §16-5(d)(4) This provision appears inconsistent with the practice of cross-filing by circuit court judges.
- §17-1 This is outdated. Apparently current practice is to use one return sheet.
- §19-1 *et seq.* This subtitle omits procedures for a recount. If the recount procedures now found in Subtitle 13 were incorporated here, there would be no need for separate subtitles on contested elections.
- Subtitle 24 It is not clear whether any of these criminal offenses would apply to manipulation of the programming of a computerized vote tallying system.



## **APPENDIX D**

### **OTHER DOCUMENTS**





## PROPOSED CHANGES IN ELECTION LAW AND PROCEDURES

The following proposals are derived from materials made available, and testimony presented, to the Task Force. References to House or Senate Bills are those that were referred to the Task Force by the two standing committees. In some cases, the proposals could be implemented either administratively under current law, or mandated by statute.

### CHANGES REQUIRING ENACTMENT OF LEGISLATION

1. Centralize all election administration in SABEL. Any local boards would be offices of SABEL. Alternatively, increase accountability of local boards to SABEL. (AG)
2. Revise Article 33 to remove ambiguities. Could be strictly non-substantive revision (the "Code Revision" process of the Department of Legislative Reference) or a substantive updating. (AG; State Prosecutor)
3. Require computer voting systems statewide. (State Prosecutor and, somewhat indirectly, Democratic Party)
4. Allow election judges from outside the jurisdiction. (AG, Republican Party, State Prosecutor, H.B. 479)
5. Allow independents to serve as election judges. (S.B. 785/H.B. 38)
6. Implement uniform pay for election judges at \$150 for chief judges and \$100 for others. Pay \$25 for training session. (This tracks the Prince George's County pay scale.) (AG and MAEO)
7. Change the term of office of the State Administrator from 6 years to 4 years. (Republican Party)
8. Require minority party input in appointment of minority members of SABEL, comparable to appointed process for members of local boards. (Republican Party)
9. Take local registrars out of the merit system. Require party input in appointment. (Republican Party)
10. Require SABEL to hire two investigators, one from each party, to monitor compliance by local boards. (Republican Party)
11. Authorize SABEL to take over operation of a local board that is consistently not in compliance with the law. (Republican Party)

12. Make election administrators (State and local) subject to criminal penalties for failure to carry out the requirements of the Election Code. (Republican Party and State Prosecutor)

13. Put central authority in a professional administrator, not a board, at the local level. (State Prosecutor)

14. Insulate administrators from political influence; eliminate patronage. (State Prosecutor)

15. Remove criminal penalties for election judges who do not show up. Substitute civil fine. (State Prosecutor)

16. Extend statute of limitations for election law offenses beyond the current 2-year limit. (State Prosecutor; S.B. 180; H.B. 4)

17. Give the State Prosecutor power to immunize witnesses. (State Prosecutor)

18. Notices of deaths from the health departments should go to the local boards, not to SABEL. (AG)

20. Remove requirement for affidavit on application for absentee ballot. (MAEO)

21. Require SABEL to adopt a single form, with affidavit, to be used in applications for absentee ballots. (Republican Party)

22. Require notarization, based on examination by notary of photo ID, on each absentee ballot envelope. (Republican Party)

23. Change the time for opening absentee ballot envelopes to 10 a.m. on the Wednesday following the election. (It is currently 4 p.m. on the Wednesday following the election.) (MAEO)

24. Define the term "canvass" in the Election Code. (MAEO)

25. Specify uniform procedures if a voter appears at the polling place but is not on the registration rolls. (AG)

26. Require voter identification at the polling place by showing photo ID or other acceptable identification that shows the person's name and date of birth. (Republican Party)

27. Require a special photo ID voter card, but allow SABEL to specify acceptable alternative ID. (H.B. 480)

28. Require non-forwardable mailing to confirm each registration by mail. (Republican party)

29. Require a modified 5-year purge, sending non-forwardable mailing to a registered voter who has not voted for 5 years. (Republican Party)

30. Require that a person who has registered by mail and has not previously voted must: (1) vote in person, (2) apply for an absentee ballot in person, or (3) use the emergency absentee ballot procedure. (Republican Party)

31. Require absentee ballots to be sequentially numbered. (State Prosecutor)

32. Require consent of absentee ballot applicant before information about the application can be made public. (SB 192)

33. Allow challengers to sit near judges to see and hear identification of voters. (Republican Party)

34. Absence of the required number of election judges may not prevent the polling place from opening. (S.B. 246)

35. Amend the law relating to possession of voting machine key by election judge to conform to actual practice. (Republican Party)

36. Require uniform announcement of election returns. (Democratic Party)

37. Require SABEL to be the repository for all voter files. (S.B. 355)

38. Shorten deadline for changing party affiliation. (S.B. 722)

39. Authorize "electronic ballots" and "audio ballots". (S.B. 785; H.B. 38)

40. Prohibit candidates and treasurers from acting as agents in the delivery of absentee ballots. (H.B. 172)

41. Shorten the time for SABEL to convene the Board of State Canvassers and the time for challenges to be filed. (H.B. 197)

42. The following are contained in S.B. 394; some of the following are contained in H.B. 478; both are comprehensive election reform bills.

(a) Enlarge SABEL from 5 to 7 members.

(b) Give SABEL investigatory powers.

(c) Require SABEL to employ an independent staff attorney.

(d) Specify that the State Administrator is a State official.

(e) Require SABEL to establish uniform security standards and procedures for voting systems.

(f) Require SABEL to adopt uniform practices, procedures, policies, equipment, and materials for the conduct of registration and elections.

(g) Require approval of the party governing body in the appointment of election judges.

(h) Allow judges to reside anywhere in the State.

(i) Require uniform training of judges, conducted by SABEL.

(j) Require at least one judge from each party to be present during voting.

(k) Require free public access, for 5 years after the election, to all materials relating to voting.

(l) Require each registered voter to sign a new voter registration signature card at least every 5 years.

(m) Require annual purge of registration lists using, at a minimum, the U.S. Postal Service National Change of Address System.

(n) SABEL to compel local compliance with the purge requirement.

(o) Authorize recounts of general elections.

(p) Require each voting system to be certified by the Federal Election Commission.

(q) Increase security for voting machine keys after the election.

(r) Designate the time and uniform procedures for the official canvass.

#### CHANGES THAT COULD BE MADE ADMINISTRATIVELY

1. Statewide voter registration computerization. (AG)

2. SABEL to prescribe uniform standards for capabilities, maintenance, and updating of local board registration systems. (AG)

3. SABEL to mandate a single Statewide voting system through its certification process. (State Prosecutor, AG [but likely to be "prohibitively expensive"], indirectly - Democratic Party)

4. SABEL to take a greater leadership role in voter education (especially change of address obligations). (AG)

5. Improved record-keeping regarding criminal convictions for purpose of disqualifying ineligible voters. (AG)

6. Improved procedures for voter authority cards (e.g. pre-printed names). (AG)
7. Improved procedures for recruiting and training election judges. (AG and State Prosecutor)
8. Improved record-keeping regarding late opening or closing of polling places. (AG)
9. More uniform polling place procedures. (AG)
10. Consolidate precincts in Baltimore City. (Republican Party)
11. Challengers at the voting machine warehouse, notified of repair dispatches so they can be present if a machine is opened up. (Republican Party)
12. Improved and standardized training of everyone involved in the process (judges and board employees). (Democratic Party)
13. More computerization of balloting and administration. (Democratic Party)
14. Quicker availability of voter registration information (e.g. computer tapes). (Democratic Party)
15. Standardized procedures for access to absentee voter information (i.e. list of names of people who applied for absentee ballot). (Democratic Party)
16. Standardized process for challengers and poll watchers. (Democratic Party)
17. Each board should have a team of independent inspectors to spot-check polling places. (State Prosecutor)



RECEIVED AUG 2 1995

On Friday, February 10th, 1995 a meeting of the Maryland Association of Election Officials was held at the offices of the Montgomery County Board of Elections.

Representatives of the following boards of elections were in attendance:

Allegany County	Frederick County
Anne Arundel County	Kent County
Baltimore City	Montgomery County
Baltimore County	Prince George's County
Carroll County	Queen Anne's County
Caroline County	Saint Mary's County
Charles County	Talbot County
Dorchester County	Washington County
Wicomico County	

Representatives of the State Administrative Board of Election Laws and staff were also in attendance.

(Absent: Calvert, Cecil, Garrett, Harford, Howard, Worcester, Somerset)

The meeting was called to order by Mr. Antonetti and roll call was taken. There was sufficient representation to establish a quorum and conduct official business.

Mr. Antonetti stated that the purpose of the meeting was to discuss certain policies and procedures related to the conduct of elections and to make certain recommendations to the appropriate bodies to clarify or standardize these procedures. Following the recent close gubernatorial election there has been an aura of fraud clouding the election even though there was none. Persons with no experience in the conduct of elections are making recommendations and MAEO should develop its own recommendations to be submitted to the General Assembly through the President of the Senate and the Speaker of the House and to the Governor. Topics to be addressed were the absentee ballot application and counting process and certain procedures followed in the polling place.

Ms. Evans opened the discussion of what procedures are followed regarding absentee ballot application processing when the request is received too close to the application deadline to mail out the application and have it returned before the deadline. The discussion revealed that in some counties letters of request are accepted as an application providing they contain sufficient identifying information, in other counties the person must come in to fill out the application in a timely manner. Minimum information needed was listed as name, county address, birthdate, party, voter id if available, signature, and address to which the absentee ballot is to be sent. There was discussion about whether or not the reason for the ballot request was to be provided. The legal issue revolved around the affidavit which appears on the application. There has been a court case which determined that the absence of the application affidavit is not sufficient cause to disqualify an absentee voter if the affidavit on the ballot envelope is properly executed. At this time however we do not have a copy of the decision of the court in writing.



\*\*\*\*\*  
\*Motion by Charles L. Mobley of Washington County  
\*Second by Doris Bradley of Wicomico County  
\*

\*Request the General Assembly to remove the requirement for an affidavit on the  
\*application to receive an absentee ballot.  
\*

\*Vote: Unanimous in favor of the motion  
\*\*\*\*\*

\*Motion by John Diuguid of Montgomery County  
\*Second by Charles L. Mobley of Washington County  
\*

\*Recommend to the State Board that it require that a copy of Art 33 27-1 be included  
\*with every absentee ballot issued and that a citation to that section of Art 33  
\*be included as part of the affidavit on the absentee ballot envelope.  
\*

\*Vote: Unanimous in favor of the motion  
\*\*\*\*\*

The discussion then proceeded on to the issue of when the various envelopes surrounding the absentee ballot were opened and the ballots counted. Some counties open the outer envelope when the ballot is returned, some begin opening the outer envelope after the close of the polls and others open both the outer and inner envelopes at the time that the absentee counting process is to begin. In the past election one of the legal issues raised was the fact that in Montgomery County envelopes were opened the morning following the election and the preparation of the ballots for counting was begun until word was received from SABEL to stop and wait for representatives from the various campaigns to arrive. As part of this was a question of the meaning of the word canvass as it appears in Art 33 27-9(b) regarding counting, certifying and canvassing the absentee ballots.

\*\*\*\*\*  
\*Motion by Mark Jeffers of Frederick County  
\*Second by Barbara Jackson of Baltimore City  
\*

\*That the outer and inner absentee ballot envelopes be opened at the same time at a  
\*time to be designated.  
\*

\*Vote: Unanimous in favor of the motion  
\*\*\*\*\*

The discussion then proceeded on to defining that time when the process should begin and to what degree it might be possible to limit the ability of challengers and watchers to affect the scheduled operation of the absentee ballot count. In Montgomery County the preparation of ballots has always begun on the Wednesday morning following the election for counting that begins around 6 p.m. while in Prince George's the county the absentee count begins on the Monday following the election. Other counties count their absentees on the Thursday following the election. The directions from SABEL and the conduct of the challengers and watchers themselves resulted in the development of processes and

procedures in an ad hoc manner which is the kind of thing that can lead to error and added costs.

\*\*\*\*\*  
\*Motion by Doris Suter of Baltimore County  
\*Second by Barbara Spicer of Dorchester County  
\*  
\*That the opening of absentee ballot envelopes should begin at 10 A.M. on the Thursday  
\*following election day.  
\*  
\*Vote: The motion passed with objection  
\*\*\*\*\*

John Diuguid suggested the following wording to amend 27-9 regarding the absentee process:

27-9(a) The board shall not open [or unfold] any absentee ballot at anytime prior to [the losing of the polls] 10 A.M. on the Thursday following election day.

(b) (1) Subject to the provisions of paragraph (2) at any time after [4 p.m. on the Wednesday following election day] 10 a.m. on the Thursday following election day .....

John Diuguid suggested that the Attorney General place a definition of the word canvass into the election code. The following wording has been suggested to be included in Art 33 Sec 1-1 to define canvass as: the process of making a thorough examination of the the conduct of the election or parts thereof and the results obtained pursuant to the provisions of this Article.

There was discussion on specifying more detail on what absentee ballots should be disallowed. It was suggested that when a ballot is disallowed that the voter should be notified of that fact and the reasons for its occurrence.

\*\*\*\*\*  
\*Motion by Mark Jeffers of Frederick County  
\*Second by Judith Hopkins of Prince George's County  
\*  
\*That no absentee ballot be counted unless it is returned to the elections board inside of  
\*the ballot envelope.  
\*  
\*Vote: The motion passed with objection from one county  
\*\*\*\*\*

Discussion then followed concerning standardizing administrative procedures regarding linking absentee ballot applications and returned ballots, crediting absentee voting history, limits on absentee challengers and watchers.

Note was made of the requirement in Sec 27-9(j)(2) that the Board shall enter mark in the register that the voter has voted when the absentee envelope is opened. It is suggested that this section should be amended to the effect that when an absentee ballot is returned

the voter history should be updated to show that said voter voted by absentee ballot.

Another suggestion was made that at the organizational meeting at the beginning of each term of a local election board that a formal delegation of authority be made by the board authorizing to the elections administrator to define the areas in which the staff is to act on behalf of the board.

Discussion followed on the precise procedures followed in the polling place. Despite what had been reported in the press no county present stated that they regularly required voters on the precinct registry to present identification prior to being allowed to vote. The consensus was that the Attorney General should issue instructions which make it clear that in the state of Maryland no identification is required to be shown by a duly authorized voter unless the identity of the person presenting to vote is challenged. One county did mention that they are looking at a signature verification system.

With regard to voter authority card handling, in some counties the VAC went with the voter through the polling place and was turned in at the point of actually casting a ballot. In other counties the VAC was retained at the check in spot after being duly verified and signed.

In those counties which use some type of paper ballot there are different procedures relating to the ballot stubs. In some counties the ballot stubs are retained at the casting location and are part of the reconciliation process in the polls while in others the ballot stub is returned to the voter.

There was discussion on what could be done to clarify the rights of challengers and watchers at the polls as well as questions on the locations for electioneering.

Considerable discussion followed concerning the recruiting, selection, training and disciplining of election judges. It was suggested that the registration application might contain a check off box if a person was interested in being an election judge, that sign up lists be available at the polls for future elections, and that recruitment appeals be placed on the pay stubs of county or school employees.

Discussion then followed on the payment of election judges. Prince George's currently pays all judges \$25 dollars for coming to training, including alternate or standby judges and this payment is not made until after the completion of service on election day. There was also discussion to the effect that the duties of election judges are essentially the same throughout the state and that hence the compensation should be the same.

\*\*\*\*\*

\*Motion by John Diuguid of Montgomery County

\*Second by Charles L. Mobley of Washington County

\*

\*That Art 33 2-7(g)(2) be amended to remove the restriction "In Prince George's

\*County," and to make the paragraph applicable across the state.

\*

\*Vote: The motion passed

\*\*\*\*\*

\*Motion by Bobby Spicer of Dorchester County  
\*Second by Brenda Williams of Queen Anne's County  
\*

\*Amend Art 33 2-7 (f) so that all Chief Judges of Election receive compensation of \$150  
\*and other types of judges receive compensation of \$100 for their service on election \*  
\*day.  
\*

\*Vote: The motion passed with objection

\*\*\*\*\*

Mr. Antonetti adjourned the meeting at 3:00 p.m.

/MAEO210.min





## HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401-1991

JOSEPH M. GETTY  
LEGISLATIVE DISTRICT 5  
CARROLL COUNTY

COMMITTEE  
COMMERCE AND GOVERNMENT  
MATTERS

February 14, 1995

DISTRICT OFFICE:  
P.O. BOX 398  
MANCHESTER, MARYLAND 21102  
(410) 239-8084

ANNAPOLIS OFFICE:  
ROOM 322  
LOWE HOUSE OFFICE BUILDING  
(410) 841-3371  
(TOLL FREE) 1-800-492-7122

### MEMORANDUM

TO : F. Carvel Payne, Director  
Dept. of Legislative Reference

FROM: Joseph M. Getty *JMG*

SUBJ: Research on Costs of Baltimore City Voting System

With regard to proposed election law reforms currently before the Commerce and Government Matters Committee, I would like to obtain data about the following costs for administering the voting system in Baltimore City:

- Costs of storing the voting machines
- Contractors who have the storage contracts
- Costs of moving the voting machines for election day
- Contractors who have the moving contracts
- Costs of maintenance, repair and new equipment
- Contractors who have the maintenance contracts
- Any other costs relative to operating the machines  
(not including election judges)
- Any other contractors receiving funds relative  
to these machines

In addition, I would like data with regard to the last time the City studied the issue of computerized voting equipment and the anticipated costs of implementing such a system.



## Department of Legislative Reference

General Assembly of Maryland

Legislative Services Building

90 State Circle

Annapolis, Maryland 21401-1991



F. Carvel Payne  
Director

410-841-3865

301-858-3865

Michael I. Volk  
Legislative Division  
410-841/301-858-3848

Lynda C. Davis  
Library and Information  
Services Division  
410-841/301-858-3810

Myron H. Miller  
Research Division  
410-841/301-858-3875

Michael C. Coffin  
Computer Services Division  
410-841/301-858-3787

February 17, 1995

Honorable Joseph M. Getty  
322 Lowe House Office Building  
Annapolis, Maryland 21401-1991

Dear Delegate Getty:

F. Carvel Payne, Director of the Department of Legislative Reference, asked that I respond to your request for information regarding the costs of administering the voting system in Baltimore City.

I spoke with Barbara Jackson, President of the Baltimore City Board of Supervisors of Elections, to obtain answers to your questions. Her responses follow.

### Costs of storing voting machines and storage contractors

The city owns approximately 1,400 voting machines. The costs of storing the machines is approximately \$51,000 per year. The city owns one of the two warehouses it uses to store the machines and does not pay any rent for it. The second warehouse is rented from Franklinton Road Associates, an industrial rental company.

### Costs of moving the machines for election day and moving contractors

The cost for moving the voting machines for the 1994 primary and general elections was approximately \$50,000 per election, or almost \$100,000. Each election year the contract goes out for bid. In 1994, Guardian Movers was the contractor.

### Maintenance costs and maintenance contractors

Maintenance costs are fairly low. For fiscal year 1996, the Board has budgeted \$30,000. One of the Board's employees worked at the factory that manufactured the voting machines. He was hired to oversee maintenance operations and trained the warehouse staff to maintain and repair the voting machines. Consequently, maintenance is not contracted.

### Other costs relative to operating the machines (excluding judges)

Ms. Jackson stated that printing costs are the only other cost associated with operating the





Honorable Joseph M. Getty  
Page 2  
February 17, 1995

voting machines. Normally, these are about \$90,000. In the 1994 elections, printing costs were approximately \$130,000. The extra cost was attributable to the increased number of ballot styles made necessary by the Republican Party's request that central committee members be chosen by councilmanic district. (I suspect that the 1992 redistricting also contributed to the increased cost.)

Other contractors receiving funds relative to the voting machines

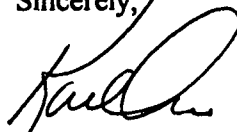
There are no other contractors other than those noted above.

Study of computerized voting equipment

Ms. Jackson told me that at 3:00 p.m. today the Board will have a demonstration of a computerized system. The Mayor, members of the city council, and the City delegation have been invited. The demonstration is being conducted by Business Records and the system being demonstrated is the Eagle 2000. At this time, Ms. Jackson had not yet received cost data on this system.

As to previous studies, Ms. Jackson said that each year the Board attends an annual meeting of the Maryland Association of Election Officials. At these meetings procedures and systems are discussed and vendors attend to demonstrate their systems. The last time the Board reviewed a system, as it is doing today, was at least four years ago.

Sincerely,



Karl Aro  
Deputy Director, Research

cc: F. Carvel Payne

LAW OFFICES  
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D. ROBERT ENTEN  
410-576-4114

November 3, 1995

The Honorable Joseph M. Getty  
3270 York Street  
P.O. Box 398  
Manchester, MD 21102-0398

RE: Business Records Corporation/Task Force to Review the State's  
Election Law

Dear Joe:

I have obtained information from Business Records Corporation regarding the questions you asked me after the last Task Force meeting. This information has been assembled over the past twelve months in response to similar questions asked by Baltimore City and by representatives of SABEL. The following cost figures are based upon a seven year rental of a complete optical scan voting system, including training and service. According to my client, nearly all jurisdictions elect to go with a rental rather than a purchase in order not to get locked-in with one system and to take advantage of changes in technology.

Allegany County	\$86,500 per year
Baltimore City	\$675,000 per year
Calvert County	\$36,500 per year
Caroline County	\$31,500 per year
Dorchester County	\$65,500 per year
Montgomery County	\$445,000 per year
Prince George's County	\$395,000 per year

The Honorable Joseph M. Getty  
November 3, 1995  
Page 2

Queen Anne's County	\$34,000 per year
Somerset County	\$55,000 per year
Talbot County	\$42,000 per year

Business Records Corporation does offer a signature digitization and verification system. That system will be included in the demonstration which will take place at Harry Browne's after the November 8, 1995 meeting.

As to over-votes, the over-voted ballot is rejected by the optical scan equipment while the voter is present. The error is pointed out to the voter and the voter is given a new ballot.

I hope this answers your questions and is helpful to you. Please telephone me if you would like more information. I look forward to seeing you next week.

Very truly yours,



D. Robert Enten

dn

cc: Mr. Robert J. Gerencser

Getty.ltr.F596

# BOARD OF SUPERVISORS OF ELECTIONS OF BALTIMORE CITY

BENTON OFFICE BUILDING  
417 E. FAYETTE STREET, ROOM 129  
BALTIMORE, MD 21202-3432  
TELEPHONE: (410) 396-5570

Barbara E. Jackson  
Administrator

Marvin L. Cheatham, President  
Doris M. Johnson, Secretary  
Armstead B. Crawley Jones  
Stephen Medura  
Gene Johnson

## ELECTION DAY FACT SHEET

### ♦ Election Judges

- 2,300 election judges employed city-wide with 100 reserve judges
- 2 Republican and 2 Democrat election judges assigned to each precinct
- Total cost: \$487,172.00

### ♦ Election Judge Training Classes

- 23 election judge training classes held at locations throughout Baltimore City
- Each election judge attends one 2½ hour class and receives a comprehensive Judge's Manual

### ♦ Voting Machines and Technicians

- 30 voting machine technicians on call; 7 full time City Board employees and 23 temporaries hired and trained for election day
- 30 cabs used for transporting, by dispatch, technicians, judges, Board members, staff and guests to precincts on Election Day
- 1,063 automatic voting machines (and 12 spare machines) are prepared for each election, transported and delivered to polling places by private hauling companies. Delivery of machines are verified by 10 machine technicians prior to Election Day.

◆ **Precincts and Polling Places**

- 372 precincts; 277 polling places. Private polling places are contracted prior to each election at a cost of \$125.00 each.
- Judges' supply bags, containing, among other things, voter authority cards, temporary certificates of registration, change of address forms, stationary supplies (scissors, tape, pens, pencils, etc.), instructions and miscellaneous notices to judges, are prepared for each of the 372 precincts, for delivery by the Baltimore City Police Department on Election Day morning at 6 a.m. The supplies are prepared by the Board for pick up by the Police Department on the Monday prior to Election Day.

◆ **Voters, Voter Authority Cards and Voter Lists**

- 315,223 total registered voters on the Baltimore City active list
- Approximately 18,000 voters on the Baltimore City inactive ("motor-voter") list
- 315,223 preprinted, color coded voter authority cards prepared, divided into precinct, ward and alphabetical order by voter name for supply to each precinct
- 56,000 blank, color coded voter authority cards, containing control numbers and residency affirmation, were printed; 100 Democrat and 50 Republican blank voter authority cards distributed to each precinct.

◆ **Election Board Headquarters**

- 31 total phone lines to be used for calls, 10 of which are added on Election Day.
- Election Board Administrators or employees from Prince George's, Montgomery and Harford County have volunteered to assist with the September 12th Election in Baltimore City
- 30 data entry clerks will enter results of Election Day count for unofficial tallies

## **APPENDIX E**

### **LEGISLATION SPONSORED BY THE TASK FORCE**





Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Carol Swan

Typed by: rs

Stored - 12/19/95

Proofread by \_\_\_\_\_

Checked by \_\_\_\_\_

By:

## A BILL ENTITLED

AN ACT concerning

**Election Law – Application for Absentee Ballot**

FOR the purpose of repealing the requirement that an application for an absentee ballot contain a certain affidavit and be under penalty of perjury; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,

Article 33 – Election Code

Section 27–4

Annotated Code of Maryland

(1993 Replacement Volume and 1995 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article 33 – Election Code**

27–4.

Except as provided in § 27–2 of this article, a qualified voter desiring to vote at any election as an absentee voter shall make application in writing to the board for an absentee ballot, which application must be received not later than the Tuesday preceding the election. The application shall contain [an affidavit, which need not be under oath but which shall set forth] such information[, under penalty of perjury,] as may be

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



required by the State Administrative Board of Election Laws. Upon receipt of the application the board shall issue, to the voter or a duly authorized agent, an absentee ballot.

20  
21  
22

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

23  
24  
25  
26  
27

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Ted King

Typed by: llm

Stored - 12/20/95

Proofread by \_\_\_\_\_

Checked by \_\_\_\_\_



By: \_\_\_\_\_

## A BILL ENTITLED

AN ACT concerning

**Commission to Revise the Election Code**

FOR the purpose of creating a Commission to Revise the Election Code; specifying the composition, powers, and duties of the Commission; providing for the staffing of the Commission; requiring the Commission to report its findings and recommendations, including suggested legislative changes, to the Governor and the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of the Commission to Revise the Election Code.

BY adding to

Article 41 - Governor - Executive and Administrative Departments

Section 18-309

Annotated Code of Maryland

(1993 Replacement Volume and 1995 Supplement)

## Preamble

WHEREAS, During the 1995 Session, the General Assembly enacted legislation to establish the Task Force to Review the State's Election Law to analyze Maryland's election process in the wake of the contentious 1994 general election; and

WHEREAS, Over the course of the summer and fall of 1995, the Task Force to Review the State's Election Law received considerable testimony from individuals

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

involved in the State's election process; and 20

WHEREAS, The comments and testimony of State and local election law officials 21  
and other individuals involved in the administration and enforcement of the election laws 22  
consistently affirmed that a comprehensive, substantive revision of Article 33 of the 23  
Annotated Code is required in order to remove archaic provisions and resolve omissions 24  
and contradictions that exist in the current law; and 25

WHEREAS, The usual Code Revision process is limited to making stylistic, 26  
restructuring, nonsubstantive changes in the law, but not substantive revisions; and 27

WHEREAS, A major substantive revision of Article 33 is required to make the law 28  
comport with the needs of modern election administration, to make the law mesh with the 29  
realities of current and future technologies, and to clarify the respective roles of election 30  
boards and professional administrators at the local and State level; and 31

WHEREAS, The Task Force did not have the time needed to accomplish the level 32  
of significant rewriting of the election law that is so urgently required; now, therefore, 33

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 34  
MARYLAND, That the Laws of Maryland read as follows: 35

**Article 41 – Governor – Executive and Administrative Departments 36**

18-309. 37

(A) THERE IS A COMMISSION TO REVISE THE ELECTION CODE. 38

(B) THE COMMISSION SHALL BE COMPOSED OF NINE MEMBERS APPOINTED 39  
AS FOLLOWS: 40

(1) TWO INDIVIDUALS DESIGNATED BY THE SPEAKER OF THE HOUSE 41  
OF DELEGATES AND ONE INDIVIDUAL DESIGNATED BY THE MINORITY LEADER OF 42  
THE HOUSE OF DELEGATES; 43

(2) TWO INDIVIDUALS DESIGNATED BY THE PRESIDENT OF THE 44  
SENATE OF MARYLAND AND ONE INDIVIDUAL DESIGNATED BY THE MINORITY 45

LEADER OF THE SENATE; AND	46
(3) THREE INDIVIDUALS DESIGNATED BY THE GOVERNOR.	47
(C) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE COMMISSION.	48 49
(D) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE COMMISSION, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.	50 51 52 53
(E) THE COMMISSION SHALL:	54
(1) REVIEW ARTICLE 33 OF THE ANNOTATED CODE OF MARYLAND, AND OTHER STATUTORY LAW RELATING TO ANY ASPECT OF THE ELECTIONS PROCESS, FOR CLARITY, PRECISION, CONSISTENCY, CONFORMITY, COMPLETENESS, AND EFFECTIVENESS;	55 56 57 58
(2) REVIEW THE SELECTION, OPERATION, AND ORGANIZATION OF THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS AND THE LOCAL BOARDS OF SUPERVISORS OF ELECTIONS;	59 60 61
(3) REVIEW THE LAW RELATING TO THE INTEGRATION OF COMPUTER TECHNOLOGY INTO THE ADMINISTRATION OF ELECTIONS;	62 63
(4) REVIEW THE LAW RELATING TO THE CONDUCT OF ELECTIONS, INCLUDING:	64 65
(I) POLLING PLACE SELECTION AND PROCEDURES PRIOR TO, DURING, AND AFTER AN ELECTION;	66 67
(II) STANDARDS FOR VOTING SYSTEMS;	68
(III) REGISTRATION OF VOTERS;	69
(IV) THE SELECTION, TRAINING, AND COMPENSATION OF	70

ELECTION JUDGES;	71
(V) THE ABSENTEE VOTING PROCESSES;	72
(VI) POST-ELECTION PROCEDURES; AND	73
(VII) ANY OTHER MATTERS THAT THE COMMISSION CONSIDERS APPROPRIATE; AND	74 75
(5) SUBMIT A COMPREHENSIVE REVISION OF THE ELECTION CODE THAT REMOVES ARCHAIC PROVISIONS, RESOLVES OMISSIONS AND CONTRADICTIONS, AND INCORPORATES SUBSTANTIVE, STRUCTURAL CHANGES IN THE CURRENT LAW THAT THE COMMISSION CONSIDERS NECESSARY TO MEET THE NEEDS OF MODERN ELECTION ADMINISTRATION.	76 77 78 79 80
(F) THE COMMISSION MAY EXPEND FUNDS IN ACCORDANCE WITH THE STATE BUDGET.	81 82
(G) THE COMMISSION SHALL EMPLOY A STAFF DIRECTOR WHO SHALL RECEIVE COMPENSATION AS PROVIDED IN THE BUDGET.	83 84
(H) THE COMMISSION SHALL ISSUE A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS, INCLUDING A DRAFT REVISION OF THE ELECTION CODE, TO THE GOVERNOR AND, SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 31, 1997.	85 86 87 88
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1996. It shall remain effective until December 31, 1997, and at the end of December 31, 1997, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.	89 90 91 92